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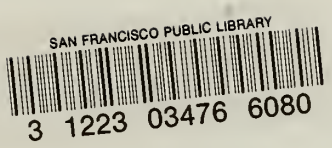

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Minutes

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MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, JANUARY 8, 1986

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 5:18 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Douglas Engmann
Commissioner Richard Guggenhime

Commissioner Jackson was absent.

Also present were Michael Gash, Esq., for the Police Department. Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The following appeals were continued: V85-309 was continued to March 26, 1986; Appeal Nos. 85-243, 85-330 and 85-339 were continued to January 15, 1986; and Appeal Nos. 85-316, 85-306, V85-324, and 85-325 were continued to January 22, 1986. Requests for rehearing: Appeal Nos. 85-315 and 85-279 will not be reheard. Appeal 85-214 will be reheard January 22, 1986. Adoption of findings of fact: findings for Appeal No. 85-279 were adopted. Request that the Board take jurisdiction beyond the 10-day appeal period: requests from Mrs. Phu ong Thi Smith, Mr. Harold Sellman and Ms. Wendy Bertrand were denied. Report of violation of Board ruling: Letter from Ms Anita Lusebrink on behalf of Mrs. Anna Bergs involved in Appeal No. 84-254. Board ordered matter be reported to Superintendent of BBI.

THE FIRST APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 85-325

BARRY KANE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on December 2, 1985, of permit to erect a two-family dwelling at 215 Upper Terrace.

Robert Passmore for the Department of City Planning. Lee Gilbert, President of the Mount Olympus Neighbors Association, spoke for those opposing the granting of the permit. Ms. Peggy Brown and Mr. Ed. Howden also spoke in support of those opposing the permit. David Cincotta, Esq. represented the permit holder, Barry Kane. Mr. Kane spoke in his own behalf and was supported by the testimony of his architect, Ed McEachron. The appeal was continued to January 22, 1986. Purpose of continuance to give time for participants to resolve problems.

APPEAL NO. 85-311

ROBERT V. MARVIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 18, 1985, for work done at 39 Collingwood Street.

Don Lim represented the Department of Public Works. Ed Waldorf appeared for the appellant. Upon motion of President Berg, the Board voted 4-0 to overrule the department and reduce

APPEAL NO. 85-311 (Continued)
the penalty to $147.05, plus the regular fee of $147.05, for a total of $294.10 due to the department.

APPEAL NO. 85-335

JAMES MOORE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on December 18, 1985, for work done at 2101 Bryant Street.

Don Lim for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and sustain the penalty. ($2,560.55 due to the department.)

APPEAL NO. 85-337

MEYER ZELTSER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on December 19, 1985, for work done at 650-11th Avenue.

Don Lim for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and reduce the penalty to $148.40, plus the regular fee of $148.40, for a total of $296.80 due to the department.

APPEAL NO. 85-334

EDDIE C. CHEN, dba "CALIFORNIA 99 VIDEO," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 12, 1985, of mechanical amusement device permit at 4355-A California Street.

Michael Gash, Esq., appeared for the Police Department. He was supported by the testimony of Sabastian Colabianchi. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the department and deny the permit.

APPEAL NO. V85-338

T.H. WILDENRADT, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on December 10, 1985, of off-street parking variance sought for property located at 563-7th Street.

Lee Gotshall-Maxon, Esq., represented the appellant. He was supported by the testimony of William Gassianio and Dave Bond. Robert Passmore represented the Department of City Planning. He was supported by the testimony of Jeff Brown, Esq., Jerry Romani of the City Department of Real Estate and Mike Hennessey of the Sheriffs Department. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the variance.

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APPEAL NO. 85-330

JOHN DEBOIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 2, 1985, to Jack Kavanagh, permit to erect a structure at 61 Saturn Street.

John Dubois and Gardner Pons spoke for the appellant position. The permit holder, Jack Kavanagh spoke in his own behalf. The case was continued to January 15th with a site inspection scheduled for January 14th at 4:30 p.m.

APPEAL NO. 85-339

CAROL CATTIVERA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on December 10, 1985, to J. & J. Owens Construction Company, permit to erect a structure at 156 Ellis Street.

Edward Wyle, Esq. represented the appellant and Robert Risotti, Esq. spoke for the permit holder. Acting on Commissioner Guggenhime's request, the Board voted 3-0 to disqualify him from from this part of the hearing as his law firm represents a party in the case. There not being a quorum, President Berg continued the matter to January 15, 1986.

APPEAL NO. 85-342

CHARLES BOLTON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 17, 1985, of permit to G/B Contractors to erect a structure at 166 Winfield Street.

No one appeared for this appeal. The Board voted 4-0 to uphold the department and grant the permit. (Later worker found a letter from appellant requesting that appeal be withdrawn as existing problems with the permit holder had been resolved.)

APPEAL NO. 85-344

ADRIENNE SCHWEITZER, Appellant vs. DEPT OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 20, 1985, to Torre Winkel, of permit to alter a building at 3460 Clay Street.

Jeffery Neustadt, Esq., represented the appellant who also spoke in her own behalf. The permit holders, Mr. and Mrs. Winkel, presented their case and were supported by the testimony of architect Grant Phipps. Don Lim of Public Works responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and grant the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:43 p.m.

JANUARY 8, 1986

Robert Feldman, Executive Director

Jerry E. Berg, President

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MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, JANUARY 15, 1986

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 5:16 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Douglas Engmann
Commissioner Richard Guggenhime

Commissioner Jackson was absent

Also present were Lawrence Wilson, Esq., for the Police Department; Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Doris Levine, Official Hearing Reporter and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The following appeals were continued to January 22, 1986; 85-234, 85-339, 85-336, 85-329, 85-343, and 86-001. The following appeals were continued to January 29, 1986; 85-243, 85-302; 86-005 and V85-341. The following appeals were withdrawn; 85-331, 86-007 and 85-333. The following appeals were withdrawn; 85-331, 85-007 and 85-333. Requests for rehearing: Appeal No. V85-283 no motion. Jurisdictional request: Letter from Ms. Tu Thi Tran re peddler's permit. No motion. Request for clarification of appeal condition re appeal No. 85-250. For Board information only. No action by the Board.

APPEAL 85-330

JOHN DEBOIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 2, 1985, to Jack Kavanagh, permit to erect a structure at 61 Saturn Street.

President Berg reported on the site inspection. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: That the plans for the two-family house proposed for the site be modified so that the maximum height of the structure from curb elevation to top of roof at the centerline of the lot shall not exceed 28 feet, 6 inches, with plan modifications to include, but not be limited by, the following: (1) Attic crawl space to be replaced by a combination of ceiling joist and roof rafter of one material; (2) Ceiling height of basement area to be reduced by one foot; and (3) Parapets across the front and rear of the roof shall be deleted, and (4) The plan modifications above shall result in a reduction of the height of the building of at least 50 inches from the height shown in the plans accompanying Building Permit Application No. 8510824.

APPEAL NO. 86-004

MANUEL C. GUIZAR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on January 6, 1986, for work done at 2141-A Mission Street.

Don Lim spoke for the Department. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and sustain the penalty.

THE FOLLOWING APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 85-320

BA THI GOLDBERG, dba "NIKKI'S," vs. POLICE DEPARTMENT, Respondent

Suspension on November 12, 1985, of massage establishment permit at 1172 Sutter Street.

The Court Reporter, Doris Levine, swore in those who were to give testimony in this case. Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Officers O'Shea, O'Connor and Peraldi. The appellant, who spoke in her own behalf, was represented by Thomas Steel, Esq. Ms. Janice Gonzales, a legal assistant in Mr. Steel's office, also supported the appellant. Upon motion of Vice President McCarthy, the Board voted 3-1, President Berg dissenting, to uphold the department and sustain the suspension.

APPEAL NO. 85-332

CARMEN A. PELOSI, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 5, 1985, of a pushcart peddler permit at 255-295 California Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Officer Ray West. The appellant spoke in her own behalf. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the Department and grant the permit. The permit will expire on January 15, 1987.

APPEAL NO. 85-285

JAMES J. SIMKALO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on October 30, 1985, of permit to alter a building at 500 Hyde Street.

Robert Passmore represented the Department of City Planning. Neil Eisenberg, Esq., spoke for the appellant. He was supported by the testimony ofDelano Nobert, Sheldon Morton and Joseph Flynn. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) The developer would designate 4 units in the building that would conform to Title 24 of the State Building Code; (2) These provisions would apply to Senior Citizens as well as the handicapped; (3) The designated units would be reconstructed to conform to the State law; and (4) Rentals would not exceed those charged for similar rental units in the area; and the permit holder shall file a permit within six-months to convert any four units in the subject building to use for elderly housing or for handicapped housing under Title 24 of the State Administrative Code, said four units to be registered with the San Francisco Housing Authority. Rental for these four units shall not exceed the low and moderate rental standards set by the U.S. Department of Housing and Urban Development under Section 8 for units of their size.

APPEAL NO. 85-343

DAVID CARKEEK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 19, 1985, of permit to Theordore Jenkel to alter a building at 1201 Greenwich Street.

Robert Passmore spoke for the Department of City Planning. David Carkeek, the appellant, spoke in his own behalf and was supported by the testimony of the property owner, Theordore Jenkel. This case was continued to January 22, 1986 for further hearing. The Board asked that findings to support a decision to overrule the department and grant the permit be prepared for approval at the time the decision is made.

APPEAL NO. 86-001

JAMES F. FIELDS, APPELLANT vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 23, 1985, to Mark Paschal, permit to alter a building at 727 Peralta Street.

The appellant spoke in his own behalf. He was supported by the testimony of his wife, Connie Perry. Neighbors Joe Murphy, Dennis Sullivan also spoke in support of the protest. The permit holder, Mark Paschal, spoke as did his mother, Edith Paschal. This matter was continued to January 22, 1986. The Board requested that the Executive Director meet with the people involved at the property site. At the designated hearing the Board will listen to the Director's report of his site inspection and the Board will hand down a decision without taking further testimony.

APPEAL NO. 86-005

RACHEL CURIEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 27, 1985, to Joe & Jesica Ma, permit to alter a building at 174 Brussels Street.

The appellant spoke in her own behalf. The permit holder, Mr. Ma, presented his case. Case was continued to the calendar of January 29th for further hearing. Chief Inspector Don Lim will inspect the property and report to the Board at that time.

There being no further business to come before the Board at this time, President Berg adjoured the hearing at 9:40 p.m.

JANUARY 15, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, JANUARY 22, 1986

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 5:12 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Mattie Jackson
Commissioner Douglas Engmann
Commissioner Richard Guggenhime

Commissioner Engmann left the hearing at 6:15 p.m.

Also present were: Chief Building Inspector Don Lim for the Department Public Works; Lawrence Wilson, Esq., for the Police Department; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The following appeals were continued to January 29, 1986: 85-214, V85-324, 85-329, 86-016, 86-014, 86-015 and 86-017. Appeal No. 85-234 was continued to February 5, 1986.

APPEAL NO. 85-339

CAROL CATTIVERA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 10, 1985, to J.& J. Owens Construction Company, of permit to erect a structure at 156 Ellis Street.

Edward Weil, Esq., of the San Francisco Neighborhood Legal Assistance Foundation represented the appellant. Robert Risotti, Esq., spoke for the permit holder. Upon motion of Commissioner McCarthy, the Board voted 4-0 (Commissioner Guggenhime was disqualified from the vote to to a conflict of interest) to grant the permit subject to conditions attached to the Order of Decision.

APPEAL NO. 85-325

BARRY KANE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on December 2, 1985, of permit to erect a two-family dwelling at 215 Upper Terrace.

Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the the Department and grant the permit subject to the following conditions: That the plans shall be revised to show (1) a reduction in the height of the building in the rear by eliminating the peak and reducing the height nine feet three quarters inches (9 feet 3/4 inches) and (2) a reduction in the length of the building by three feet eight inches.

APPEAL NO. 85-343

DAVID CARKEEK, Appellant vs. DEPT. PUBLIC WORKS, Appellant

Denial on December 19, 1985, of permit a building at 1201 Greenwich Street.

Mr. Carkeek was present and responded to questions of the Board. Upon motion of Vice President McCarthy, the Board voted 4-1 (Commissioner Engmann dissenting) to overrule the department and grant the permit subject to the following condition: That Units "A" and "102" shall not be rented but shall be used solely by a custodian or nurse employed by the present owner, Theordore Jenkel, or other employees of management or tenants.

APPEAL NO. 86-001

JAMES F. FIELDS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 23, 1985, to Mark Paschal, permit to alter a building at 727 Peralta Street.

Executive Director, Robert Feldman, reported on a site inspection he made to the above property. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-316

PETER BULLOCK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 22, 1985, of permit to alter a building at 246 McAllister Street.

Captain Charles Farrell represented the Fire Department. Upon motion of Vice President McCarthy, the Board voted 4-1 (Commissioner Engmann dissenting) to grant the permit subject to the condition that the appellant install a sprinkler system in the whole lobby as well as the stairwells on all six floors for a total of sixteen additional sprinkler heads as an alternative to the one hour separation at ground level.

APPEAL NO. V85-324

JORAM ALTMAN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 21, 1985, of rear yard variance sought for property at 42 Woodland Avenue.

Robert Passmore represented the Department of City Planning. The appellant spoke in his own behalf. Dr. and Mrs. Sussman spoke in support of the department's position. William E. McConnell, Esq., represented the permit holder, Mr. Van Hart, who spoke in his own behalf. The Board requested that Mr. Feldman make a site visit. Commissioner Engmann did not participate in this appeal due to a conflict of interest. (SITE INSPECTION at 8:00 A.M. Monday, January 27, 1986) Continued to January 29th for further hearing.

APPEAL NO. 86-008

CHUNG YU KWAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on January 3, 1985, for work done at 521-523 Third Avenue.

Don Lim for the Department of Public Works. Mr. Kwan spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Board and reduce the investigative fee to $1,000, plus the regular fee of $346.20, for a total of $1,346.20 due to the department.

APPEAL NO. 86-010

SCOTT H. LEWIS, dba "CAMERON CONSTRUCTION," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on January 10, 1985, of permit to alter a building at 49 Hoffman Avenue.

Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to uphold the department and deny the permit.

COMMISSIONER ENGMANN LEFT THE HEARING AT THIS POINT (6:15 P.M.)

APPEAL NO. 86-013

TAMARA AND MILDA DZENSI, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 3, 1985, to Hebrew Academy of San Francisco, of permit to alter a building at 1333 Balboa Street.

Robert Passmore spoke for the Department of City Planning. Jack Judkins, Esq., represented the appellants. Robert Marder, Esq., spoke for the permit holder. Rabbi Lipner spoke in support of the permit holder. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the appellants be paid the sum of $6,000 if they vacate the unit within 120 days.

APPEAL NO. 86-017

NIKOLAY R. CLEVER, Appellent vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 15, 1986, of permit to alter a building at 2312 Leavenworth Street.

Present were Neil Eisenberg, Esq., representing the appellant. Robert Passmore for the Department of City Planning. Supporting the department's position were neighbors Marianne Goldman and Jonathan Kitchen. The latter stated they had not been notified of the hearing. The Board scheduled a site inspection for Tuesday, January 28, 1986, at 4:30 p.m., and scheduled the appeal for hearing January 29, 1986. No testimony was taken at this hearing.

APPEAL NO. 85-306

TRANG THI THUY TRAN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on October 29, 1985, of massage establishment permit at 1284 Mission Street.

Doris Levine, the Official Court Reporter, swore in those who were to give testimony in this and other police cases at the hearing. Lawrence Wilson, Esq., represented the Police Department. Officers O'Shea and Ambrose spoke in support of the Department. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 86-006

HUNG VAN LE, dba "LA BELLA MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 6, 1986, of massage establishment permit at 451 O'Farrell Street.

Lawrence Wilson, Esq., represented the Police the Police Department. Officers O'Shea and Davis spoke in support of the Department. Thomas Steel, Esq., represented the appellant. Upon motion of Vice President McCarthy, the Board voted 2 to 2 to uphold the department and deny the permit. (President Berg and Commissioner Guggenhime dissented)

APPEAL NO. 85-336

THUY CLARK, dba "LA BELLA MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on December 9, 1985, for massage establishment permit at 451 O'Farrell Street.

Lawrence Wilson, Esq., appeared for the Police Department. He was supported by the testimony of Officers Bob Davis and Sgts. Ken Davis and Cola. Joseph Mathews, Esq., spoke for the appellant. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and revoke the permit.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE BOARD OF PERMIT APPEALS FOR THE YEAR 1986

Upon motion of Vice President McCarthy, the Board voted unanimously to reelect Jerry E. Berg President of the Board for 1986. Upon motion of Commissioner Guggenhime, the Board unanimously reelected Robert J. McCarthy Vice President of the Board of Permit Appeals for 1986.

There being no further business to come before the Board, President Berg adjourned the hearing at 9:31 p.m.

January 22, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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Minutes

MEETING OF THE BOARD OF PERMIT APPEALS

CITY AND COUNTY OF SAN FRANCISCO

WEDNESDAY, JANUARY 29, 1986

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 5:16 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Mattie Jackson
Commissioner Douglas Engmann
Commissioner Richard Guggenhime

Commissioner Guggenhime left the hearing at 6:35 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

Before the regular meeting started, President Berg expressed to Commissioner Guggenhime the appreciation of the Commission for his many years of service to the Board. This was the last meeting Commissioner Guggenhime would attend as a member of the Board. He has been appointed to the San Francisco Fire Commission and will be sworn in to that office by the Mayor on January 31, 1986. President Berg presented a plaque to Commissioner Guggenhime commemorating his service to the Board.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The following appeals were continued to February 5, 1986: 85-243, 85-005, 86-014, 85-015, 86-024, V85-341 and V86-023. The following appeals were continued to February 19, 1986: Appeal No. 85-329 and Appeal No. 85-302. The following appeal will be heard on February 26, 1986, 85-214. REQUEST THAT THE BOARD DETERMINE IF IT HAS JURISDICTION OVER PERMIT REAFFIRMED BY THE PLANNING COMMISSION: Upon motion of President Berg, the Board voted 3-2 to take jurisdiction, Commissioners Engmann and Guggenhime dissenting.

APPEAL NO. V85-324

JORAM ALTMAN, Appellant ZONING ADMINISTRATOR, Respondent

Denial on Novembr 21, 1985, of rear yard variance sought for property located at 42 Woodland Avenue.

Commissioner Engmann did not sit on this appeal due to a conflict of interest. Robert Feldman gave a report of a site visit he made to the property. Robert Passmore of the Department of Public Works responded to questions of the Board. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit subject to the condition that the Department use alternate scheme No. 1.

APPEAL NO. 86-009

MATHEW COHEN (AKA ROYCE), Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on January 10, 1985, for work done at 76 Homestead Street.

Don Lim spoke for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Guggenhime, the Board voted 4-0 to overrule the department and reduce the penalty to $356.30, plus the regular fee of $356.30, for a total of $712,60 due to the Department. (President Berg was out of the hearing room when this appeal was heard.)

APPEAL NO. 86-017

NIKOLAY R. CLEVER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 15, 1986, of permit to alter a building at 2312 Leavenworth Street.

Attorney Neil Eisenberg represented the permit holder and was supported by the testimony of architect Jerry Kotas. Jonathan Kitchen spoke for the appellant and was supported by the testimony of neighbors Ms. Goldman and Mr. Taylor. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and grant the permit for the greenhouse subject to the following conditions: (1) All glass is to be clear, uncolored, transparent and non-glare; (2) The glass and frame Greenhouse structure shall be well maintained at all times and the exterior shall be cleaned at least every two weeks; (3) The metal framing is to be as thin as possible, and dark anodized or painted; (4) Railings to be thin vertical bars (1/4" x 3/4") 9" on center, with a thin 3/8" x 2 1/2" top rail, dark anodized or painted; (5) No plantings above railing height (3'- 6") shall occur in the Greenhouse; (6) No curtains or draperies shall be installed or used in the subject Greenhouse nor any other obstruction that would block any neighbor's view; (7) Any solid property line wall (parapet) requires by Building Codes shall be as low as possible; (8) The height and length shall be reduced from the dimensions shown on the plans accompanying this permit so that the height shall be reduced one foot and the length reduced three feet, with the axis reoriented to north-south and (9) The permit holder shall record these conditions on the land records of the City and County of San Francisco as a Notice of Special Restrictions on a form acceptable to the Executive Director, and shall submit copies of the Notice, after it is recorded, to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent file for this matter.

6:35 P.M. COMMISSIONER GUGGENHIME LEFT THE HEARING

APPEAL NO. 85-214

DANIEL S. YOUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 16, 1985, of permit to alter a building at 463-7th Avenue.

Robert Passmore represented the Department of City Planning. Bruce Loughridge spoke for the appellant and he was supported by the testimony architect Anthony Shen. Hearing on the matter continued to February 26, 1986 to allow Don Lim to clarify issue of 'new construction' and that allowed under an 'alteration' permit.

APPEAL NO. 86-018

KENNETH P. EISLEY, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 9, 1986, of massage establishment permit at 518 Taylor Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Office Daniel O'Shea. Jeffery Perkins, Esq., appeared for the appellant, who also spoke. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 86-016

FRAIN M. MAYNARD, dba "MASSAGE ESTABLISHMENT," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on January 6, 1986, of massage establishment permit at 1020 Geary Street.

Lawrence Wilson, Esq., represented the Police Department and was supported by the testimony of Officer Dan O'Shea. Maureen O'Rourke & Pat Darden of the Polk Street Merchant's Association, Kathy Odsathery, Manager, Lombard Hotel spoke in support of the Department. Thomas Steel, Esq., represented the appellant who spoke in his own behalf. Dorothy Deliveira, a private investigator, supported the appellant with her testimony. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 86-021

BARBARA WINKLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on January 10, 1986, of permit to alter a building at 645 Leavenworth Street.

Don Lim for the Department of Public Works. The appellant spoke in her own behalf. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-025

MARY CLAIRE HEFFRON, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Denial on January 21, 1986, of permit to alter a building at 131-133 Belvedere Street.

Don Lim for the Department of Public Works. The appellant spoke in her own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit subject to the following condition: The present skylight roof will be replaced with framed glass mesh. Ventilation adequate to meet the standards of the Building Code will be installed.

APPEAL NO. 86-019

HAROLD SELLMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 8, 1986, to Patrick Naughton, of permit to demolish a building at 1641-48th Avenue.

The appellant spoke in his own behalf. Patrick Naughton, the permit holder, presented his case. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-022

LORRAINE VAIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 7, 1986, to Mark Turok, permit to erect a structure at 250 Peralta Street.

Mr. and Mrs. Vail spoke in their own behalf. They were supported by the testimony of Alice Sylvestor and Delores Gail. The permit holder, Mark Turok, spoke in his own behalf and was supported by the testimony of Henry Arami. Robert Passmore represented the Department of City Planning. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the property owner shall build and pave a road that meets City specifications from Mullen Street to Lot 44 on Assessor's Block 5527 which shall include a sidewalk in front of the subject property, with all necessary plans to be approved by the Department of Public Works; and (2) That the Department of Public Works shall not issue a Certificate of Final Completion and Permit of Occupancy for this project until all work on the street and sidewalk has been completely constructed and inspected for compliance by the Department of Public Works.

APPEAL NO. 86-026

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting reaffirmation of approval of permit issued to Marathon U.S. Realties, Inc. on April 29, 1983, for construction of office complex at 353 and 355 Second Street.

Members of the Board stated that they had read and considered the E.I.R. Robert Passmore represented the Department of City Planning. Sue Hestor, Esq., spoke for the appellant. The permit holder was represented by Rolf Wheeler, Piero Patri and Robert Thompson, Esq. Upon motion of President Berg, the Board voted 3-1, Commissioner Engmann dissenting, to uphold the Department and grant the permit.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 86-017

SITE INSPECTION, January 28, 1986 at 4:30 p.m., 2312 Leavenworth Street, attended by President Berg, Vice President McCarthy, Commissioners Jackson and Guggenhime and Director Feldman.

President Berg adjourned the hearing at 11:16 p.m.

January 29, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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MEETING OF THE BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO
WEDNESDAY, FEBRUARY 5, 1986

The regular meeting of the Board of Permit Appeals of the City and County of San Francisco was called to order by President Berg at 7:15 p.m.

Present were: President Jerry Berg
Vice President Robert McCarthy
Commissioner Mattie Jackson
Commissioner Douglas Engmann

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Robert Psssmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

The following appeals were continued to February 19,1986, 85-243, 86-024, 85-011. The following appeal was continued to February 26, 1986, 85-234. The following appeal was continued to March 5, 1986, V85-341. Appeal 85-028 was withdrawn prior to the hearing.

ADOPTION OF FINDINGS OF FACT: 2400 Broadway, V85-273 and 42 Woodland Avenue, V85-324.

REQUEST FOR REHEARING: "Labella Massage, Ms. Thuy Clark, 85-336, no motion.

REQUEST FOR JURISDICTION: Request from Ms. Patricia M. Cacio, 120 Brewster Street, No motion; (BOARD DIRECTED ATTENTION TO THE MATTER BE MADE TO BUREAU OF BUILDING INSPECTION, CITY PLANNING AND PARKS AND RECREATION.)

APPEAL NO. 85-238

JOANN M. UZETA, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 11, 1985, of assistant mobile caterer permit. "Roy's Catering," Truck No. 33.

Lawrence Wilson, Esq., represented the Police Department. The appellant spoke in her own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit subject to the condition that the permit be probationary until February 1, 1988. (The decision was released February 6, 1986 as the Department waived the rehearing period.)

APPEAL NO. 86-005

RACHEL CURIEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Robert Passmore for the Department of City Planning. The permit holders Jessica Ma and Joe Ma spoke in support of the Department. The appellant spoke in her own behalf. Upon motion of Commissioner Engmann, the Board voted 3-1, Commissioner Jackson dissenting, to overrule the Department and revoke the permit. Four votes needed to carry, the Department is upheld and the permit granted.

HAVING SUBJECT MATTER COMMON TO BOTH, THE FOLLOWING APPEALS WERE HEARD TOGETHER.

APPEAL NO. 85-014

LARRY WASSERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 6, 1986, of permit to alter a building at 835 Larkin Street. (AWNING)

APPEAL NO. 85-015

LARRY WASSERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 6, 1986, of permit to alter a building at 909 Geary Street. (AWNING)

Robert Passmore appeared for the Department of City Planning. The appellant did not appear. On motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit in both of the above appeals.

APPEAL NO. 86-024

ELDON H. REILEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on January 16, 1986, of permit to alter a building at 834 Castro Street.

Robert Passmore for the Department of City Planning. Don Lim for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. V86-023

DAVID MACKLER, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on January 7, 1985, of rear yard and usable open space variance sought for the property located at 142 Capra Way.

Robert Passmore for the Department of City Planning. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit.

(14) PROPOSED AMENDMENTS TO RULES OF THE BOARD TO AMEND SECTION 5 of ARTICLE 1: To allow for 15 minutes of argument for each principal or ten minutes per person, whichever is less, and other related items. Upon motion of Commissioner Engmann, the Board voted 4-0 to accept the amendments to the Board Rules without paragraph 4 of the proposal.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:45 p.m.

FEBRUARY 5, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
CITY AND COUNTY OF SAN FRANCISCO
WEDNESDAY, FEBRUARY 19, 1986

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:15 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Vice President McCarthy was on an excused absence.

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., representing the Police Department; Robert W. Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert Feldman, Executive director.

President Berg welcomed Mr. Frank S. Fung to the Board. He also noted that Commissioner Engmann had been reappointed for a four-year term on the Board.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR REHEARING: Requests to rehear Appeal Nos. 86-016, 86-026 and 86-021 were denied due to lack of motion. REQUEST FOR JURISDICTION from John T. Fisher was denied as motion did not carry. THE FOLLOWING APPEALS WERE CONTINUED: Appeal Nos. 85-031, 86-027, and 86-011 were continued to February 26, 1986. Appeal 86-032 was continued to March 5, 1986 Appeal Nos. 85-243, 85-329 and 86-034 were continued to March 19, 1986.

APPEAL NO. 85-302

NORTH OF MARKET PLANNING COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 1, 1985, to S.M.G. Market, Inc., permit to erect a structure at 865 Market Street.

Brad Paul appeared for the appellant. Robert Thompson, Esq., represented the permit holder. These representatives advised the Board that they had reached a settlement in concept. In essence the day care facilities had been increased from one thousand feet to 2500 feet. The principals in the appeal agreed to refine the agreement and send the finished agreement to this office within the 10-day rehearing period.

APPEAL NO. 86-030

MARK O. RAND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Mark Rand spoke in his own behalf and was supported by the testimony of Moysha Barnett. The permit holder, Louis Ravano, presented his position. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL 86-027

ADRIENNE MANSI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 22, 1986, to Kieran Keaney, permit to demolish a building at 225-21st Avenue.

The appellant was represented by John Molinari, Esq. Owen O'Donnell, Esq., spoke for the permit holder. The two sides were in agreement that the demolition be stayed until the appellant's deed of trust had been paid in full or some other arrangement made that would be satisfactory to the appellant. The appeal is continued to February 26, 1986, at which time the principals state they will have precise wording of an agreement to present to the Board. For further hearing February 26, 1986.

APPEAL NO. 86-029

JOHN WALSH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination on January 17, 1986, by the Zoning Administrator that proposed alterations to the building at 48 Second Street are major alterations.

John Walsh, architect, spoke for the permit holder. Robert Passmore represented the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Zoning Administrator's determination.

APPEAL NO. 86-033

J. PAT REEVES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination on January 21, 1986, by the Zoning Administrator that the use of the property at 2586-90 Folsom and 2014-22nd Street has C-2 Zoning status.

Mr. and Mrs. Pat Reeves presented their appeal. The property owner, Mr. Lorenzo Murphy, spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Zoning Administrator's determination.

(13) THE BOARD PASSED THE DEPARTMENT BUDGET FOR FISCAL YEAR 1986-87.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:15 p.m.

FEBRUARY 19, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 26, 1986
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:12 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

(Vice President Robert McCarthy was on an authorized absence.)

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for rehearing: The Board voted 4-0 to rehear Appeal No. 86-005. The case is to be calendared for the hearing of March 19, 1986.

APPEAL NO. 85-234

GARY KRAY AND LARRY HABEGGER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 5, 1986, to Dixon Kelly, permit to demolish a building at 221 Filbert Street.

Lee F. Gotshall-Maxon, Esq., represented the appellants. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the following condition: Demolition of the structure may not be initiated prior to and the effectiveness of this demolition is stayed until,the date on which Building Permit No. 8503292 is issued, the time for filing any appeal of the issuance of the permit has expired and, if such an appeal is timely filed with the Board of Permit Appeals, a public hearing has been held on the building permit and the Board of Permit Appeals approves the issuance of the permit.

APPEAL NO. 86-027

ADRIENNE MANSI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 22, 1986, to Kieran Keaney, permit to demolish a building at 225-21st Avenue.

Robert Feldman, Executive Director, advised the Board that both parties in this appeal agreed to the condition attached to the Board's approval of this permit. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) The permit holder shall not actually demolish the building until the Deed of Trust, executed by Kieran Keaney, et. al., as trustor, in favor of Robert Mansi and Adrienne Mansi recorded in the San Francisco County Recorder's Office as instrument No. D740248, on January 10, 1986, at Reel E2 Image 946,

APPEAL NO. 86-027 CONTINUED:
has been reconveyed of record in the San Francisco County Recorder's Office, or Robert Mansi and Adrienne Mansi have executed a written agreement with the permit holder concerning the providing of adequate safeguards to their personal satisfaction involving their security deed of trust interest in the property and consenting to the proposed demolition. and (2) before any demolition may commence on the subject property, the permit holder must deposit with the Department of Public Works either a conformed copy of the recorded deed of reconveyance or a written agreement executed by Robert Mansi and Adrienne Mansi as specified in Condition 1 above.

APPEAL NO. 85-214

DANIEL S. YOUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 16, 1985, of permit to alter a building at 463-7th Avenue.

Robert Passmore for the Department of City Planning. Gordon Lau, Esq., for the appellant. Upon request of Mr. Passmore and the agreement of Mr. Lau, this matter was continued to the hearing of March 5, 1986. No testimony was taken.

APPEAL NO. 85-041

CARLOS GARCIA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 10, 1986, for work done at 563 Silver Street.

Don Lim for the Department of Public Works. Thelma Garcia, the appellant's daughter, spoke for her father. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the department and reduce the penalty to $17.00, plus the regular fee of $17.00, for a total of $34.00 due to the department.

APPEAL NO. 86-011

WILLIAM TALMAGE, JR., Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the City Planning Code, dated January 3, 1986, for property located at 2882-23rd Street.

Robert Passmore for the Department of City Planning. Neighbors Bayardo Roman and Adam Romero spoke in support of the Department. Wayne Rieke, Planning Consultant, represented the appellant who was also present and responded to questions of the Board. Upon motion of Commissioner Fung, the Board voted 3-1, Commissioner Jackson dissenting, to uphold the Department and sustain the Zoning Administrator's order. The Department is upheld.

APPEAL NO. 86-031

VIHN QUY NGUYEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on February 5, 1986, of permit to alter a building at 2250 Mission Street.

Robert Passmore for the Department of City Planning. Dom Lim for the Department of Public Works. Wayne Rieke, Planning Consultant, represented the appellant who was present with his family. The Board continued this appeal to March 19, 1986. The asked that the parties involved get specific information for the Board; specifically, copies of permits and their historical scope; chonological order of permits and plans that were issued to the appellant.

APPEAL NO. 85-039

SCOOTER SIMMONS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination on February 6, 1986, by the Zoning Administrator that the proposed alterations to the building at 315 Montgomery Street are major alterations.

Robert Passmore for the Department of City Planning. The appellant was represented by Harold Dobbs, Esq. The appellant responded to questions of the Board and introduced his architect, Bruce Moody. Upon motion of President Berg, the Board voted 4-0 to uphold the Determination of the Zoning Administrator.

APPEAL NO. 86-040

DORIS BERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Edna Jeffrey, permit to erect a structure at 2884 Market Street.

Russell and Doris Berman presented the basis of the appeal. They were supported by the testimony of Dr. Robert Bush, President of the Duboce Neighborhood Triangle Association. Robert Passmore represented the Department of City Planning. Attorney Jim Reuben spoke for the permit holder who also spoke in her own behalf. Case continued to March 19th with a site inspection scheduled for March 18th at 5:00 p.m.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:56 p.m. The Board met in closed session on personnel matters after the public hearing was adjourned.

FEBRUARY 26, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 5, 1986

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:40 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung

Commissioner Jackson arrived at 5:40 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works: Nancy Gin for the Department of City Planning; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for jurisdiction beyond the 10-day appeal period from Milton E. Righetti, Esq., regarding construction at 2040 Green Street. There being no motion, the matter will not be heard.

APPEAL NO. 85-214

DANIEL S. YOUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 16, 1985, of permit to alter a building at 463-7th Avenue.

Don Lim represented the Bureau of Building Inspection. Nancy Gin for the Department of City Planning. Gordon Lau, Esq., for the appellant. He was supported by the testimony of architect Anthony Shen. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the department and grant the permit subject to the following conditions: (1) That all four walls of the existing building shall be retained; (2) That the space on the ground floor level behind the laundry currently used as a dwelling unit shall not be used for commercial laundry purposes; and (3) That the off-street parking standards of the City Planning code shall be met and the developer shall provide three off-street parking spaces for the three units in the building.

APPEAL NO. 85-037

LINDSAY MEARNS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 7, 1986, to Wen Shyang Tsai, permit to demolish a building at 1679-11th Avenue.

Richard Cohen, a neighbor of the above property, asked that the hearing be put off until Commissioner Engmann returned to the Board. The Board voted 4-0 to hear the case as scheduled. Rosemary Brandon spoke as did Mr. Cohen. The protestants were represented by attorney Dennis A. Antenore. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that there shall be no action on this demolition (Continued on next page)

permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit.

APPEAL NO. 86-032

RICHARD COHEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 29, 1986, to Ted O'Neill, permit to erect a structure at 1679-11th Avenue.

Mr. Cohen and Rosemary Branden spoke for the appeal. They were supported by the testimony of Deirdre Carrigan, Lois Yee, John Bardis and Attorney Dennis A. Antenore. Rose Tsai, co-owner of the building, spoke in her own behalf. Chief Building Inspector Don Lim responded to questions of the Board. Upon motion of Vice President McCarthy, the Broard voted 4-0 to uphold the department and grant the permit subject to the conditions attached to the Notice and Order of Decision.

APPEAL NO. 86-036

RAYMOND L. TRITTSCHUH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 3, 1986, to F. Cafferkey, permit to demolish a building at 1517-20th Avenue.

Philip Siggins, Esq., represented the appellant. Mr. Trittschuh also spoke in his own behalf. Jack Wholey, Esq., represented the permit holder, Mr. F. Cafferkey. On motion of President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that there be no action on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit.

APPEAL NO. 86-044

BARBARA M. CHAMPION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Edwin J. Moore, permit to alter a building at 4-044 Short Street.

The appellant spoke in her own behalf. The permit holder's estate was represented by William Drypolcher and Alan Klonsky. Nancy Gin represented the Department of City Planning. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-043

MIMI CHAMBERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 17, 1985, to Bradley Young, permit to erect a structure at 118 Brewster Street.

Mark Chambers represented the appellant. He was supported by the testimony of Irene

APPEAL NO. 85-043 (Continued)

Thompson, Jerry Powell, Linda Ware and Leslie Semon. The permit holder, Bradley Young, was represented by Russel Townsend, Esq. Mr. Young spoke in his own behalf and was supported by the testimony of Donna Roberts of the Brown Bear Realty Company, architect William F. Heijn, contractor Gerald Kirwan and William Zut, former owner of the property at 118 Brewster Street. The case was continued to the hearing of March 19, 1986, with a site inspection scheduled for Tuesday, March 18th at 4:00 p.m.

APPEAL NO. 86-046

GREGORY E. JONES, & ROBERT MORILL, Appellants vs. DEPT PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Richard Figone, permit to erect a structure at 475 Lombard Street.

The appellant, Gregory Jones, spoke in his own behalf. Nancy Gin represented the Department of City Planning. Attorney John Molinari represented the permit holder. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) Pull-back the front line of the penthouse 2'-0" southward. This equals 2'-0" more than the original plans of 3 years ago; and (2) Extend the backline of the penthouse 1'-6" southward to original 10'-0" rear setback.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:30 p.m.

MARCH 5, 1986

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 19, 1986

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:10 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Commissioner Jackson was on an authorized absence.

Also present were: Chief Building Inspector Bob Kelley for the Department of Public Works; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request from Randall M. Shaw, Esq., requesting that the Board take jurisdiction over Building Permit application No. 8510805. There being no motion, the matter will not be heard. REQUEST FOR REHEARING: Regarding Appeal Nos. 86-032 and 86-037, there being not motion, the matters will not be reheard.

APPEAL NO. 85-243

ALBERT AND SIMA BERNZWEIG, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated September 17, 1985, for property at 750 Rivera Street.

With mutual consent of both parties, the appeal continued to April 2, 1986.

APPEAL NO. 86-005

RACHEL CURIEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 27, 1986, to Joe and Jessica Ma, permit to alter a building at 174 Brussells Street.

Case continued to April 9, 1986. Continuance granted at hearing. No testimony taken. Respondent wished to have a five member Board to hear case.

APPEAL NO. 86-050

RUTH M. CROCKARD, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 25, 1986, to Thomas Pulliam, permit to alter a building at 277 Molimo Drive.

Hartley Appleton, Esq., represented the appellant. The permit holder, Thomas Pulliam, spoke in his own behalf and was supported by the testimony of his architect, Butler

Armsden. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-043

MIMI CHAMBERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 17, 1985, to Bradley Young, permit to erect a structure at 118 Brewster Street.

Robert Passmore represented the Department of City Planning. Deputy City Attorney R. Judd represented the City Attorney's office. Russell Townsend, Esq., and architect William F. Heijn represented the permit holder. Upon motion of Commissioner Fung, the Board voted 3-1, Commissioner Engmann dissenting, to uphold the Department and grant the permit subject to the following conditions: (1) That the plans accompanying Building Permit Application No. 8509906 shall be revised so that the height of the peak of the roof of the new house shall not exceed the height of the peak of the building adjacent to the south by more than two (2) feet; (2) That construction activity shall be limited to weekdays from 8:00 a.m. to 6:00 p.m. and no construction activities shall be permitted on weekends and national holidays and that no construction equipment shall be parked on the street in front of the site on weekends; and (3) That the permit holder shall take the following measures recommended by the Recreation and Park Department for the preservation of the tree which stands adjacent to the front of the subject property: (a) No excavation on City property under the jurisdiction of the Recreation and Park Department. (b) To avoid injury to the tree hand tools and equipment shall be kept away from the bark. (c) Neither soil nor construction materials shall be piled on the roots. (d) No heavy equipment or bulldozer shall be driven over or parked on the root zone. (e) If a root mutst be cut, it shall be cut with a sharp instrument and nottorn or pulled with a backhoe or similar equipment, and (f) Any channel, gutter or downspout shall be directed away from the tree.

APPEAL NO. 86-040

DORIS BERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Edna Jeffrey, permit to erect a structure at 2284 Market Street.

Director Feldman reported on the site inspection made by the Board on the 18th of March. Deputy City Attorney Richard Judd advised the Board that the decision to locate the garage entrance on Noe Street was not within the jurisdiction of the Board of Permit Appeals Further testimony was heard by the Board. The appeal was continued to March 26th. The Board requested the project architect, Ed Towers, to meet with the interested parties in order to reach a compromise.

APPEAL NO. 86-031

VIHN QUY NGUYEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

This appeal continued to March 26, 1986, prior to the hearing.

APPEAL NO. 86-034

JOHN A.P.GLUCK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 3, 1986, of permit to alter a building at 1947 Pine Street.

Chief Building Inspector Bob Kelley spoke for the Department of Public Works. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 86-048

SAN FRANCISCO BOY'S CHORUS, vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 28, 1986, of permit to alter a building at 625 Polk Street.

Case continued indefinitely. Board suggested matter be reviewed by the Board of Examiners.

APPEAL NO. 86-042

PETER J. WITMER, Appellant vs. DEPT. PUBLIC WORKS, Appellant
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Thomas J. Walker, permit to alter a building at 639 Steiner Street.

Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the condition that the approval is for this permit only. It is for the repair of fire damage to the dormer window as indicated on the plans as circled in red by the Building Inspector.

APPEAL NO. 86-049

THOMAS J. MCCARTHY, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 18, 1986, to Dominic Yam, permit to alter a building at 2900 Franklin Street.

The appellant spoke in his own behalf. Robert W. Passmore spoke for the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department with the stipulation that within five working days the plans be submitted to City Planning for approval.

APPEAL NO. 86-052

WILLIAM MAZZETTI, Appellant vs DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 20, 1986, to Anthony and Carol Delucchi, to alter a building at 401 Castenada Avenue.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-054

CECIL FU, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 27, 1986, to Igar Rakvalsky, permit to alter a building at 2436 Ortega Street.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant, Ms Fu, and the permit holder, Mr. Igar Rakvalsky, spoke in their behalf. Upon motion of Commissioner Fung, the Board voted 4-0 to grant the permit subject to the condition that the access door adjacent to the garage door be eliminated.

APPEAL NO. 86-055

JOSEF HOCHFELD, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 29, 1986, to Robert Lee, permit to alter a building at 2436 Ortega Street.

The appellant spoke in his own behalf. The owner was represented by Mr. L. Fung. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

The being no further business to come before the Board, President Berg adjourned the hearing at 8:40 p.m.

MARCH 19, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 26, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Commissioner Jackson was on an authorized absence.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Robert J. Passmore for the Department of City Planning; Barbara Sahm and Lucien Blazej also of the Department of City Planning; Noreen Ambrose, Esq., for the City Attorney's Office; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for jurisdiction beyond the 10-day appeal period: Request from Mr. Joe Puechr, there being no motion, the matter will not be heard. THE FOLLOWING APPEALS WERE CONTINUED: Appeal Nos. 85-329, 86-061, 86-045, 86-047, 86-064, 86-066 were continued to to April 9, 1986. Appeal No. 86-056 was continued to April 16, 1986.

APPEAL NO. 86-040

DORIS BERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, to Edna Jeffrey, permit to erect a structure at 2284 Market Street.

Robert Passmore spoke for the Department of City Planning. He reported a plan acceptable to concerned parties. Upon Motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to the conditions attached to the Notice of Order and Decision.

APPEAL NO. 86-031

VIHN QUY NGUYEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on February 5, 1986, of permit to alter a building at 2250 Mission Street.

Robert Passmore spoke for the Department of City Planning. Gordon Lau represented the appellant. Planning consultant, Wayne Rieke, also spoke in behalf of the appellant. This appeal was continued to April 9, 1986 to enable the parties to fomulate a workable plan.

APPEAL NO. 85-329

BYUNG SOON HUNT, dba "EMPRESS HEALTH SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on November 26, 1986, of permit for massage establishment at 428 O'Farrell Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Police Officer O'Shea. Gil Eisenberg, Esq., represented the appellant. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and revoke the permit.

APPEAL NO. 86-058

RICHARD COYLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 7, 1986, of permit to alter a building at 4084-17th Street.

Mr. Robert Passmore spoke for the Department of City Planning. The appellant, Richard Cole, spoke in his own behalf. A tenant of the of the appellant, John Barborousis, spoke in support of the appellant. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 86-057

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 24, 1986, to Hills Brothers Coffee, Inc., permit to erect a structure at 350 Steuart Street.

The Board members were polled as to their having read the EIR. The vote was affirmative by the Board members present. Attorneys Sue Hestor and John Elberg spoke for the appellant. Robert Passmore represented the Department of City Planning. He was supported by City Planners Barbara Sahm and Lucien Blazej. Joe Erway spoke for the project sponsor, Hills Brothers Coffee. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the permit and to adopt findings as amended to support the Board decision.

7:15---RECESS AT THIS POINT FOR COURT REPORTER

APPEAL NON 86-059

PETER & CHARLENE GOUSSEV, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 26, 1986, to Sergio Azzollini, permit to alter a building at 430 San Bruno Avenue.

Charlene Goussev and Jackie Maxwell spoke for the appellant's position. The permit holder, Sergio Azzollini spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and grant the permit subject to the condition that the second floor be set back 12 feet.

APPEAL NO. 86-060

LEWIS B. SCHNEIDER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 3, 1986, to Harold Steinhauser, permit to alter a building at 612 Arkansas Street.

Dr. Lewis Schneider spoke in his own behalf. Mr. Peter Goussev stated that the plans that were submitted were erroneous. Mr. Dan Harrigan also spoke in support of the appellant. Stanley Walsh, Esq., represented the permit holder. Upon motion of Commissione Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-062

FOREST HILL ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 4, 1986, to Brian C. McEvoy, permit to erect a structure at 140 Dorantes Avenue.

Paul Bessieres, Vice President of the Forest Hill Association, spoke for the appellant position. Ludmil Rols and Walter Keefe spoke in support of the appeal. Robert Passmore represented the Department of City Planning. James Rubens, Esq., represented the permit holder, Brian McEvoy. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 86-065

PLANNING ASSOCIATION FOR THE RICHMOND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 5, 1986, to Mary Jeong, permit to demolish a building at 600-10th Avenue.

Dr. Peter Graff spoke for the appellant position. George Jeong spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit subject to the condition that there shall be no action on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit.

APPEAL NO. 86-068

LISA KLINGER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 10, 1986, to Carter Brown, permit to alter a building at 279/281/283 Filbert Street.

The appellant spoke in her own behalf. She was supported by Scott King, Royce Stern, and also Mr. Klinger. The permit holder, Carter Brown, and his wife spoke in their own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit

There being no further business to come before the Board, President Berg adjourned the hearing at 8:43 p.m.

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 9, 1986
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:07 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for rehearing: Appeal Nos. 86-052, 85-329, 86-062, and 86-043 did not receive motions and will not be reheard. Appeal No. 85-059, upon motion of Vice President McCarthy, the Board voted 4-1, Commissioner Engmann dissenting, to grant a rehearing scheduled for April 30, 1986. REQUESTS FOR JURISDICTION: Letters received from James M. Kilpatrick and one from Mr. Marvin Gordon, both requests denied for lack of motion.

APPEAL NO. 85-243

ALBERT AND SIMA BERNZWEIG, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated September 17, 1985, for property at 750 Rivera Street.

Robert Passmore represented the Department of City Planning. William Coblentz, Esq., spoke fo the appellant. This was a rehearing. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the department order to cease violation of the Planning Code subject to the following condition: That the order be stayed for a period of 18 months commencing with the date of this hearing. That would be October 10, 1987.

APPEAL NO. 86-005

RACHEL CURIEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 27, 1985, to Joe and Jessica Ma, permit to alter a building at 175 Brussells Street.

Robert Passmore represented the Department of City Planning. Paul Weber, Esq., represented the permit holder. Upon motion of Commissioner Jackson, the Board voted 2-3 to uphold the Department and grant the permit. Commissioners Berg, McCarthy and Engmann dissented. Four votes needed to overrule the Department is upheld and the permit granted.

APPEAL NO. 86-031

VIHN QUY NGUYEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on February 5, 1986, of permit to alter a building at 2250 Mission Street.

Robert W. Passmore for the Department of City Planning. Wayne Rieke was present to represent the Appellant. Gordon Lau, Esq., spoke for the appellant. Upon motion of Commissioner Engmann the Board voted 5-0 to overrule the Department and grant the permit subject to the following conditions: (1) For a period of not less than thirty (30) years, appellant and /or his successors in interest shall retain said seventeen units as rental housing with rents limted to the maximum levels of rents for low-income housing stock of the City, which is established at twenty-five percent (25%) of HUD defined income, taken monthly. Low income is defined as not exceeding eighty percent (80%) of the median household income for the San Francisco Standard Metropolitan Statistical Area (SMSA) as determined by HUD; (2) The Deed Restriction attached hereto as Exhibit "B" which is incorporated herein by reference as though fully set forth shall be recorded with the Office of the San Francisco Recorder and file-stamped copies sent to this Board of Permit Appeals and the Zoning Administrator; (3) The appellant and/or his successors shall include in every lease for these units the language of Conditions one and two; and (4) The appellant and/or his successors shall post the language of Condition one and two in the lobby of the building with the additional language that any complaints arising under Conditions one and two should be sent to the Zoning Administrator of the Department of City Planning of the City and County of San Francisco with the current address and telephone number of said official.

APPEAL NO. 86-061

TOM KESSLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 6, 1986, for work done at 278-11th Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant, Tom Kessler, spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and reduce the penalty to $1,000, plus the regular fee of $530.80, for a total of $1,530.80 due to the Department.

APPEAL NO. 86-045

JULIAN SIEROTY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on February 11, 1986, of permit to alter a building at 242 Powell Street.

Chief Building Inspector Don Lim represented the Department of Public Works. Harry O'Brien, Esq., represented the appellant. Mr. Allan Sieroty, son of the appellant, spoke in his fathers behalf. At the request of the appellant, the matter was continued for 60 days to enable the appellant to firm up a viable plan to solve his problems.

APPEAL NO. 86-047

JOSEPH C. AND CATHY J. FRAGOLA, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 25, 1986, of permit to alter a building at 220 Hartford Street.

Appeal withdrawn.

APPEAL NO. 86-067

HERBERT CHAO GUNTHER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 7- 1986, of permit to alter a building at 741-747 Filbert Street.

Mr. Herbert Chao Gunther spoke for the appellants and was supported by the testimony of Tom Layton and R. James Jones and architect Tom Jones. This matter was continued to April 30, 1986 with a request by the Board that Chief Building Inspector Don Lim and Director Feldman of the Board make a site inspection at 9 a.m., Tuesday, April 22, 1986. Purpose of inspection is to define the issues.

APPEAL NO. 86-064

HOWARD LESTER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APROVAL

Protesting issuance on February 28, 1986, to Melvin and Lia Belli, permit to alter a building at 2950 Broadway Avenue. (Swimming pool)

Mr. Jonathan Bass Esq., represented the appellant. He was supported by the testimony of Philip Chow, a structural engineer and Michael Prasker, a soil engineer. Herbert Resner, Esq., represented the permit holder. He was supported by the testimony of Walter Hoskin, a Civil Engineer and Frank Terasko, a swimming pool consultant. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that no further construction take place until the project permit holder has obtained the services of a soil engineer and the soil engineer has made recommendations as to what conditions are required to make the pool safe and that this report will then be sent to the Bureau of Building Inspection ten days prior to proceeding with further construction.

APPEAL NO. 86-073

JOSEPH P. ATTURIO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 10, 1986, to Martin Brennan, permit to erect a structure at 229 Montcalm.

Mr. Atturio spoke in his own behalf. He was supported by the testimony of Jerry Pollen, member of the Bernal Heights Neighborhood Association. Another neighbor, John J. Murphy, Esq., spoke in opposition to the construction. Architect William Heijn and permit holder Martin Brennan presented their case. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that the recreation room and bath No. 3 be eliminated and the area made into a crawl space. A further condition that a Notice of Special Restriction regarding occupancy be recorded was made by Commissioner Engmann but did not receive a majority vote. The vote was 4-1 against the condition.

APPEAL NO. 86-075

WILLIAM TULL, JR., et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 13, 1986, to Tony Scheehan, permit to demolish a building at 126 Fairmount Street.

Mr. William Tull spoke in his own behalf and was supported by the testimony of Jane Clayton, and Linda Barth. The permit holder was represented by Jery Kline, Esq. Upon motion

APPEAL NO. 86-075 (Continued)

of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that there shall be no action on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit.

APPEAL NO. 86-081

BETTY CLARK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 18, 1986, to Erven and Barbara Torell, permit to alter a building at 74 Rockwood Court.

The appellant spoke in her own behalf. The permit holder, Bill Yoe, presented his case. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

There being no further business to come before the Board, President Berg adjourned the hearing at 9:00 p.m.

DATE: April 9, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 16, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:07 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUEST FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Request from Mr. Guido Alasia, 1676 Union Street, requesting that the Board take jurisdiction over Building Permit Application No. 8505011 issued for construction at 2746 Gough Street. There being no motion, the matter will not be heard.

The following appeal was heard out of regular calendar order:

APPEAL NO. 86-084

JOHN M. GIOSSO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 27, 1986, to Chun-Sun & Mora Lai, permit to demolish a building at 451-453-23rd Avenue.

John B. Molinari, Esq., represented the appellant, John M Giosso. The permit holder was represented by Philip Stebler. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit subject to the condition that the permit holder and the owner of the property adjacent at 457-23rd Avenue shall enter into an agreement between them to honor the easment on the subject property for the benefit of the owner of 450-23rd Avenue.

APPEAL NO V85-341

EVELYN NG, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on December 13, 1985, of rear yard variance sought for property located at 5049 Anza Street.

Robert Passmore spoke for the Department of City Planning. Mr. Bennie Yee, a real estate broker, represented the appellants. Mr. David Herman, a neighbor of the appellant spoke in support of the Zoning Administrator. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit subject to the conditions that (1) The appellant shall revise the plans in order to provide a lightwell meeting at least the minimum standards of the Building Code to provide light to the window on the adjacent

(APPEAL NO. V85-341 CONTINUED) property; and (2) That no encroachment shall ever be made into the rear yard.

APPEAL NO. 85-072

WILLIAM C. KIRK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 18, 1986, for work done at 1742-26th Avenue. PLUMBING CHARGE NOTICE 26613.

Chief Building Inspector Don Lim spoke for the Department of Public Works. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $52.50, plus the regular fee of $52.50, for a total of $105.00 due to the Department.

APPEAL NO. 86-071

MARK RENNIE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Denial on March 7, 1986, of permit to alter a building at 285-299-9th Street.

Chief Building Inspector Don Lim represented the Department of City Planning. The appellant spoke in his own behalf. On motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit subject to conditions that the appellant shall (1) Install a second 500-watt spotlight and (2) Install a handrail in the stairway under the direction of the Bureau of Building Inspection. See copy of findings attached to the Notice of Order and Decision.

AT THIS POINT IN THE HEARING THE COURT REPORTER SWORE IN THOSE WHO WERE TO GIVE TESTIMONY IN THE FOLLOWING POLICE MATTER

APPEAL NO. 86-086

EARL T. CHAPMAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 25, 1986, citation to revoke driver public vehicle permit.

Lawrence Wilson Esq., spoke for the Police Department. He was supported by the testimony of Police Officer Pardeni. Upon motion of Commissioner Jackson, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 86-069

MARGERY WATSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 17, 1986, of permit to alter a building at 1011-1013 Fulton Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant, Margery Watson spoke in her own behalf. Robert Passmore spoke for the Department of City Planning. This case continued to May 21, 1986, in order for the appellant to work out technical issues with Bureau of Building Inspection.

APPEAL NO. 86-077

FRED ARANDA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 21, 1986, of permit to alter a building at 4136 Fulton Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The

(APPEAL NO. 86-077 CONTINUED) Robert Passmore spoke for the Department of City Planning. Case continued to May 21, 1986, to enable both City Planning and the Bureau of Building Inspection to consider the plans.

APPEAL NO. 86-085

LAURENCE G. ALLEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 31, 1986, of permit to alter a building at 2028-2030 Filbert Street.

Chief Building Inspector Don Lim represented the Department of Public Works. Robert Passmore spoke for the Department of City Planning. The case was continued to May 21, 1986, to enable the appellant to provide the Planning Department and the Bureau of Building Inspection with plans.

APPEAL NO. 86-078

MICHAEL AND BARBARA LIBASCI, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 21, 1986, of permit to alter a building at 1404 Golden Gate Avenue.

Chief Building Inspector Don Lim for the Department of Public Works. The appellant, Michael Libasci, spoke in his own behalf. Upon motion of Commissioner Fung, the Board voted 5-0 to overrule the Department and grant the permit subject to the condition that the appellant shall install sprinklers in the lower level room of his unit only.

APPEAL NO. 86-083

MARVIN ROBINSON, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 25, 1986, to John Brennan, permit to erect a structure at 5201-3rd Street.

The appellant spoke in his own behalf. Robert Passmore represented the Department of City Planning. Neil Eisenberg, Esq., represented the permit holder, John Brennan. Mr. Brennan also spoke in his own behalf. Don Lim responded to questions of the Board. The Board continued the matter to May 7, 1986. The Board requested that the developer submit new plans.

APPEAL NO. 86-056

ROBERT TRAVERSO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated February 28, 1986, for property located at 90-98 12th Street.

Robert Passmoore spoke for the Department of City Planning. Mr. Michael Rubenstein represented the owner of the Building, Abe Newman. Mr. Newman responded to questions to the Board. Mark Solomon, Esq., represented the appellant. Upon motion of Commissioner Jackson, the Board voted 5-0 to uphold the Zoning Administrator's Order to Cease Violation of the Planning Code.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:45 p.m.

DATE: April 16, 1986

Jerry E. Berg, President

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 30, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung

Commissioner Douglas J. Engmann was on authorized absence.

Also present were Chief Building Inspector Bob Kelley for the Department of Public Works. Robert W. Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for Jurisdiction beyond the 10-day appeal period: Letter from Joseph K. Bravo, Esq., ..matter continued to May 7, 1986. Requests for rehearing: Letter from Richard Traverso re property at 90-98 12th Street...no motion. Letter from Robert W. Passmore re property at 500 Hyde Street (Appeal No. 85-285)..No motion.

APPEAL NO. V85-309

ERIC ROSENQUIST, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 7, 1986, of Rear Yard Variance sought for property located at 3728-30 Taraval Street.

Appeal continued to May 28, 1986.

APPEAL NO. 86-067

HERBERT CHAO GUNTHER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 7, 1986, of permit to alter a building at 741-747 Filbert Street.

Thomas Layton, a part owner of the property, was present. He responded to questions of the Board. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the variance subject to the following conditions: (1) that the appellant shall add a sprinkler system with at least two heads to the terminal access way, the exterior passageway connecting the front door of the basement apartment to the sidewalk in front of the building. In addition, the appellants shall add a layer of 5/8" sheet rock to the ceiling of said passageway; and (2) that the appellant shall provide additional heating for the basement apartment sufficient to meet the requirements of the Bureau of Building Inspection. The Board also adopted findings of fact to support the decision.

APPEAL NO. 86-059

PETER AND CHARLENE GOUSSEV, et al vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 27, 1986, to Sergio Azzollini, permit to alter a building at 430 San Bruno Avenue.

Robert Passmore, Zoning Administrator, represented the Department of City Planning. Ms. Goussev presented her case and was supported by the testimony of Karen Stern, Jackie Maxwell and Bill Gray. The permit holder, Sergio Azzollini, spoke in his own behalf. He was supported by the testimony of Mr. Alex Pierce. Case continued to May 7, 1986, for further hearing. The reason for the continuance is to allow time for the Dept. of Public Works to check the accuracy of the permit holder's plans.

APPEAL NO. 86-097

FM PRODUCTION, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on April 11, 1986, for work done at 999 Brannan Street.

Case continued to May 21, 1986, prior to hearing.

APPEAL NO. 86-099

RAMON GREGORY HERNANDEZ, dba, "LA BELLA MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 1, 1986, of massage establishment permit at 451 O'Farrell Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Police Officer Dennis Martel and Mr. Arnold Browning, owner of the property next to the above address. The appellant was present and was represented by Joseph Mathews, Esq. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and deny the permit.

THE FOLLOWING TWO APPEALS HAVING SUBJECT MATTER COMMON TO BOTH WERE HEARD TOGETHER

APPEAL NO. 86-076

DAVID M. FREITAS, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 14, 1986, to Richard Klein, permit to demolish a building at 1258-10th Avenue.

APPEAL NO. 86-089

DAVID M. FREITAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 28, 1986, to Richard Klein, permit to erect a structure at 1258-10th Avenue.

The appellant spoke in behalf of the appeal. He was supported by the testimony of Denis Mosgofian, Debra Whittier, Sheril Amazeen, Roland Lee, Sue Stuart and Amy Silver. Mr. Steven Long represented the permit holder. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the Department and grant the permit subject to the following conditions: That the permit holder shall (1) eliminate the access door to the lower level with its chime; and (2) eliminate the wet bar and its plumbing from the social room. (This decision is holding upon Appeal Nos. 86-076 and 86-089.)

APPEAL NO. 86-088

GREATER WEST PORTAL NEIGHBORHOOD ASSOCIATION, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
FIRE DEPARTMENT APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on March 25, 1986, to Amal Elmoraly, permit to alter a building at 1450 Portola Drive.

Appeal withdrawn prior to hearing.

APPEAL NO. 86-092

MARVIN ROBINSON, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPT. APPROVAL

Protesting issuance on March 31, 1986, to John H. Chung, permit to erect a structure at 4026 Third Street.

Appeal withdrawn prior to hearing.

APPEAL NO. 86-095

RITA DEVINE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPT. APPROVAL

Protesting issuance on April 8, 1986, to Rosa Nguyen, permit to alter a building at 1868 Page Street.

The appellant spoke in her own behalf and was also represented by Paul Weber. Michael Willaims and Georgia Smith supported the appellant. Harley C. Hardsty, Esq., represented the permit holder and was supported by the testimony of contractor David Crammer. Upon motion of President Berg, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 86-096

RONALD MERENBACK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 1, 1986, to Jose Cassidy, permit to demolish a building at 538-27th Avenue.

The appellant, Ronald Merenback, President of the Lincoln Park Home Owner's Association, spoke in his own behalf. He was supported by the testimony of Maureen O'Rourke, who is with the Planning Association of the Richmond, and Mark Rieser, an Architectual Heritage Associate. Joe Cassidy, the permit holder, and John McIverny spoke for the respondent position. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) That the demolition be stayed until Mr. O'Brien takes title to the property; and (2) that no action be taken on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit.

APPEAL NO. 86-087

MARY FAY BERRIGAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 2, 1986, to Bill Graham Presents, permit to alter a building at 201-11th Street.

Paul Berrigan represented the appellant. James Brady and Charles Warenberg spoke in support of the appeal. Jack Scott represented Bill Graham, the permit holder. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 86-090

VULCAN STAIRWAY ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 28, 1986, to Ari Marcus, permit to erect a structure at 88 Museum Way.

Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. John McCann lead the appellant presentation. He was supported by the testimony of Jo Wheeler of the Buena Vista Neighborhood Association, and Douglas Holmes, Vice President of the Vulcan Stairway Association. The permit holder, Ari Marcus, was present. He was represented by John Krause. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: That the ridge point be lowered to 11 feet with a sidewall height of seven feet.

APPEAL NO. V86-082

J.B.M.& K. CONSTUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of Rear Yard Variance sought for property located at 375-19th Avenue.

Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. James A. Rueben, Esq., and Bruce Bauman, a Planning and Development Consultant, spoke for the project sponsor, Brian McEvoy. Those opposed to the project as now envisioned were Mary Heaney, John Paulson, Linda Paulson and George Durrand. The hearing on this appeal was continued to May 7, 1986, with a site inspection scheduled for Tuesday, May 6, 1986, at 5:30 p.m.

APPEAL NO. 86-091

BRANNAN ASSOCIATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on March 26, 1986, denying Brannan Association the opportunity to file an off-street parking variance at 475 Brannan Street.

Appeal withdrawn prior to hearing.

APPEAL NO. 86-094

WILLIAM MCDONAGH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator to William McDonagh, requiring changes on project at 4050-17th Street.

APPEAL NO. 86-094 CONTINUED

Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. Opposition to the development was voiced by Ann Farrar and Judith Hoyem. Thomas Brandi, Esq., and Bruce Bauman, Development Consultant, spoke for the permit holder, William McDonagh. The hearing on this matter was continued to May 7, 1986, with a site inspection scheduled for May 6, 1986, at 6:15 p.m.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:04 p.m.

APRIL 30, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Vice President

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 7, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit appeals was called to order by President Berg at 5:10 p.m.

Present were:

President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for Jurisdiction Beyond the 10-Day Appeal Period: Letter from Joseph K. Bravo, Esq., (NO MOTION).Letter from Ms. Byung Soon Hunt, (NO MOTION). Request for Rehearing: Re Appeal No 86-031 (NO MOTION). Appeal No. 86-087 (NO MOTION).

APPEAL NO. V86-082

J.B.M. & K CONSTRUCTION, Appellant vs ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of rear yard variance sought for property located at 375-19th Avenue.

Vice President McCarthy gave a report on the Site Inspection made by the Board. The matter was continued for further hearing on May 21, 1986. The Board requested that Director Feldman request an opinion from the City Attorney's office regarding the meaning of Subsection 134(c)1 of the City Planning Code which allows for a reduction in required rear yards in certain areas of the City. There will be no further testimony on this matter at the next hearing.

APPEAL NO. 86-094

WILLIAM MCDONAGH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator to William McDonagh, requiring changes on project at 4050-17th Street.

Commissioner Fung reported on the Site Inspection made by the Board. The appellant, Mr. McDonagh, responded to question of the Board. Upon motion of Commissioner Fung, the Board voted 5-0 to uphold the Zoning Administrator's order subject to the following conditions: (1) From a point originating at the top of the north retaining wall the garage roof shall be lowered approximately four feet from the existing roof level to the southern-most steel beam; (2) The existing steel beams and columns are allowed to remain with appropriate cladding to match the subject building; (3) The east face of the garage structure shall be finished in a manner similar to the subject building; (4) Landscaping and fence details shall be worked out in consultation and with the approval of the Zoning Administrator; and (5) The revised design drawings shall be approved by the Zoning Administrator before the end of the suspension of the building permit.

APPEAL NO. 86-059

PETER AND CHARLENE GOUSSEV, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 27, 1986, to Sergio Azzollini, permit to alter a building at 430 San Bruno Avenue.

No further testimony was taken in this matter. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and to deny the permit.

APPEAL NO. 86-083

MARVIN ROBINSON, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 25, 1986, to John Brennan, permit to erect a structure at 5201 Third Street.

The appellant, Mr. Robinson, spoke in his own behalf. He was supported by the testimony of Mr. Santonie, Ms. Lenita Wood and Harold B. Brooks, Jr. Mr. Neil Eisenberg, Esq., represented the permit holder, John Brennan. Developer David Horton and architect Steven Roche spoke in support of the project. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 85-248

PATRICIA FAY GIBERSON, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on September 19, 1985, to Friedman Association, permit to alter a building at 145 Laurel Street. (REMAND)

APPEAL NO. 85-251

LAURENCE AND ILENE SANFORD, Appellants vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on September 19, 1986, to Friedman Association, permit to alter a building at 145 Laurel Street. (REMAND)

Having subject matter common to both, these two appeals were heard together. Both cases are on remand from Superior Court. Mary Hughes, Esq., represented the appellants. She was supported by the testimony of Ilene Sanford, Patricia Fay Giberson, Ms. McLaughlin, Nancy Simon and Ms. Kalfain. Peter Busch, Esq., represented the permit holder. He was supported by the testimony of Mr. Michael Angotti, Saul Friedman and Herbert Friedman. RE APPEAL NO. 85-248...upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the department and deny the permit. RE APPEAL NO. 85-251...upon motion of Vice President McCarthy, the Board voted 4-0, Commissioner Engmann dissenting, to uphold the department and grant the permit subject to the following conditions: (1) The permit holder shall give Ms. Rosemary Seggerman, a tenant in the subject building at 145 Laurel Street, three days notice of the day he intends to enter her apartment to work on the bathroom plumbing, and, in addition, the permit holder shall pay $100 per day to Ms. Seggerman for living expenses each day that Ms. Seggerman is required to vacate her apartment while the plumbing work is being done.

APPEAL NO. 86-107

JOHN WORLDIE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 21, 1986, for work done at 495 Francisco Street.

Chief Building Inspector Don Lim spoke for the Department of Public Works. The appellant spoke in his behalf. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $31.45, plus the regular fee of $31.45, for a total of $62.90 due to the Department.

APPEAL NO. 86-109

JEFFREY POLLACK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 22, 1986, for work done at 303 Filbert Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and reduce the penalty to $1,000.00, plus the regular fee of $447.30, for a total due to the Department of $1,447.30.

APPEAL NO. 86-100

GUS FRANCO, dba "CROWN CATERING," vs. POLICE DEPT, Respondent

Suspension on April 7, 1986, of mobile catering permit at 1381 Lowrie Avenue.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Officer Barabra Camponelli. The appellant was represented by attorney Chadwick Ertola. Upon motion of Vice President McCarthy, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 86-074

VICTORIA CROCKETT, dba "FANTASIA," Appellant vs. POLICE DEPT., Respondent

Revocation on March 10, 1986, of permit for outcall massage service at 1751 Market Street. Number 52.

Lawrence Wilson, Esq., represented the Police Department. Martin Lurie, Esq., spoke for the appellant. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and revoke the permit.

APPEAL NO. 86-101

FRANKLIN E. HILTON, dba "OSAKA SPA," Appellant vs. POLICE DEPT., Respondent

Denial on April 9, 1986, of massage establishment permit at 548 Jones Street.

Case continued to May 28, 1986 prior to hearing.

APPEAL NO. 86-113

ANN B. CHO, dba "PARKSIDE SCHOOL OF MASSAGE," Appellant vs. POLICE DEPT., Respondent

Denial on April 17, 1986, of permit for outcall massage service at 208 Lake Merced Hill.

Appeal continued to May 28, 1986, prior to hearing at request of appellant's attorney.

APPEAL NO. 86-110

S. D. BECHTEL, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on April 15, 1986, of permit to alter a building at 2190 Broadway.

Robert Passmore represented the Department of City Planning. Paul R. Haerle, Esq., represented the appellant. He was supported by the testimony of architect Franklin Ponder. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit based on findings read into the record by President Berg.

APPEAL NO. 86-080

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 17, 1986, to Norland Properties, permit to alter a building at 345 California Street. (Hotel on top 11 floors.)

Before testimony was taken on this matter the Executive Director polled the Board as to their having read and considered the EIR, the Board members stated that they had read and considered the EIR. Sue Hestor, Esq., spoke for the appellant. Robert Passmore and Barabra Sahem repesented the Department of City Planning. Zane Gresham, Esq., spoke for the project sponsor. Mr. Barton Wong of the Chinatown Resource Center responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) One floor of the office building at 345 California Street shall be offered in the form of an option for the use for a 30-year period of either the Downtown Branch of the San Francisco Public Library or the Downtown Branch of the Law Library of the City and County of San Francisco, said option to expire December 31, 1986. The terms of the option shall not exceed one dollar a square foot rent per month with a CPI adjustment on a yearly basis, with a maximum $40 a square-foot build-out allowance to the library actual reimbursement at cost and with utilities and normal costs of running the building to be allocated to the library as part of any lease resulting from this condition; (2) In lieu of the City Planning Commission's housing condition set forth in Exhibit A of Motion No. 10237, the permit holder shall pay withing 90 days to the City Wide Affordable Housing Fund set up pursuant to Ordinance No. 358-85 the sum of $300,000 to be used for development of community supported housing; and (3) The permit holder shall contribute within 90 days of the effective date of this decision the sum of $500,000 to the City's Park and Recreation fund to assist in the maintenance of Portsmouth Square, or in the alternative the permit holder shall contribute $500,000 to the Department of Public Works for use in the Chinatown Alleyway Improvement Program. Findings of Fact to be adopted at the Board meeting May 21, 1986.

APPEAL NO. 86-112

THE TELEGRAPH HILL DWELLERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 18, 1986, to Lorenzo Petrone, permit to demolish a building at 1234 Grant Avenue.

Jane Winslow represented the appellant. The owner spoke in his own behalf and was supported by the testimony of his architect Merrill Jew. Upon motion of President Berg, the Board voted 5-0 to grant the permit subject to the following condition: That there shall be no action on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit

COMMISSIONER JACKSON LEFT THE HEARING AT 9:00 P.M.

APPEAL NO. 86-105

MARY ANNE MILLER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 9, 1986, to Vincent Ng, permit to alter a building at 1254-42nd Avenue.

The appellant spoke in her own behalf. The permit holder presented his case and responded to questions of the Board members. This case was continued to May 21, 1986. During the interim the principal parties are to meet with Robert Passmore to endeavor to reach a satisfactory compromise.

APPEAL NO. 86-108

EDWARD KIEREN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 15, 1986, to Steven Geiszler, permit to alter a building at 2360 Steiner Street.

The appellant presented his case. The permit holder, Steven Geiszler, spoke in his own behalf. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the Department and grant the permit with the condition that general construction such as framing and closing shall be limited to a normal work week which would preclude doing such work on holidays or weekends.

APPEAL NO. V86-053

JOSEPH D. COLLINS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 20, 1986, of rear yard variance sought for property located at 367 Elsie Street.

Robert Passmore represented the Department of City Planning. The appellant spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the Department and grant the variance subject to the following conditions: (1) There shall be no further expansion of the new structure, Any expansion of the main building shall be contingent upon the demolition of the new structure. The permit holder shall record these conditions on the land records of the City and County of San Francisco as a Notice of Special Restrictions on a form acceptable to the Executive Director, and shall submit copies of the Notice, after it is recorded, to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent file for this matter; and (2) Permits shall be taken out to legalize the new construction.

There being no further business to come before the Board, President Berg adjourned the hearing at 10:07 P.M.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION, May 6, 1986, (1) 5:30 P.M. at 375-19th Avenue. (2) 6:15 P.M. at 4050-17th Street. Both inspections were attended by President Berg, Vice President McCarthy and Commissioner Fung. Executive Director Feldman attended both site inspections.

(APPEAL NO. V86-082 375-19th Avenue)
(APPEAL NO. 86-094 4050-17th Street)

MAY 7, 1986

Jerry E. Berg, President

Roberty H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 4, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

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Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Commissioner Mattie J. Jackson was on authorized leave.

Also present were Chief Building Inspector Bob Kelley for the Department of Public Works; Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

ADOPTION OF FINDINGS OF FACT: Appeal No. 86-080, 345 California Street..continued to June 11, 1986. Appeal No. 86-110, 2190 Broadway motion by Vice President McCarthy to adopt findings carried by 4-0 vote. REQUEST FOR REHEARING: Appeal No. 86-110, request by Robert W. Passmore, Zoning Administrator....NO MOTION. REQUEST FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Letter from George Stepanenko re property at 1098 Harrison Street..consideration this matter continued to to June 11, 1986. Letter from Jan Michaels re property at 2601 Mariposa Street...NO MOTION

APPEAL NO. 86-077

FRED ARANDA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 21, 1986, of permit to alter a building at 4136 Fulton Street.

Continued to June 11, 1986, for further hearing.

APPEAL NO. V86-082

J.B.M.& K. CONSTRUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of Rear Yard Variance sought for property located at 375-19th Avenue.

Continued to June 11, 1986, for further hearing.

APPEAL NO. 86-143

JACK S. HOEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 27, 1986, for work done at 999 Brannan Street.

Robert W. Passmore, Zoning Administrator, and Chief Bob Kelley of Public Works gave the departments presentation. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and sustain the penalty.

APPEAL NO. 86-126

RONN RIDGLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT APPROVAL
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on May 5, 1986, to Jay and Juthika Master, permit to alter a building at 1098 Harrison Street.

Continued to June 11, 1986 for further hearing.

APPEAL NO. 86-106

ARTAULFO P. BRIZ, dba "MISSION STAMP AND COIN COMPANY, " Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 15, 1986, of second hand dealer-state permit permit at 2065 Mission Street.

Appeal withdrawn.

APPEAL NO. 86-136

GERHARD KUSTER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on May 15, 1986, of permit to alter a building at 665 Eddy Street.

Robert W. Passmore, Zoning Administrator, spoke for the Department of City Planning. Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) that the appellant install a sprinkler system with at least one head in the entrance to the office as designated by the Bureau of Building Inspection; (2) the use of this space is valid only for the occupancy of Kuster Electric; and (3) that the permit holder shall record this condition on the land records of the City and County of San Francisco as a Notice of Special Restriction on a form acceptable to the Zoning Administrator and shall sunmit copies of the Notice, after it is recorded, to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent file for this matter.

APPEAL NO. 86-138

CHESTER CHIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on May 19, 1986, of permit to alter a building at 143-147 2nd Avenue.

The appellant spoke in his own behalf. The permit holder was represented by Harley Hardesty, Esq. Chief Building Inspector Bob Kelley of the Department of Public Works responded to questions of the Commissioners. Upon motion of President Berg, the Board voted 4-0 to overrule the Department and grant the permit subject to the following condition (1) that the permit holder install a sprinkler system in the attic room; and (2) that the permit holder install a smoke alarm system in the attic room and the entire building in accordance with the requirements of the Bureau of Building Inspection.

APPEAL NO. 86-121

GEORGE HOFFBERG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 8, 1986, to Ted Aksnes, permit to alter a building at 1836 Leavenworth Street.

The appellant, George Hoffberg, spoke in his own behalf. The permit holder, Ted Aksnes, spoke. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the Board delete that part of the permit that makes reference to the staircase that goes from the third floor to the roof.

APPEAL NO. 86-137

AUDREY PENN RODGERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 12, 1986, to William R. Vierra, permit to erect a structure at 415 Liberty Street.

The appellant presented her case. The permit holder was represented by Bruce Baumann. He assured the appellant that a tree that was causing her concern would be protected during the construction. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and grant the permit.

APPEAL NO. 86-139

PAMELA L. MENDALA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 21, 1986, to George E. Becker, permit to alter a building at 513 Liberty Street.

Appeal continued to June 25, 1986.

APPEAL NO. 86-141

PAMELA SANDOVAL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 19, 1986, to Wendy Bertrand, permit to alter a building at 478-27th Street.

Appeal continued to June 11, 1986. Director Feldman to make a site inspection.

APPEAL NO. 86-142

CHARLES H. VAUGHN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 14, 1986, to Patrick Fellowes, permit to erect a structure at 5426 California Street.

The appellant presented his case. The permit holder spoke in his own behalf. Upon motion of Commissioner Engman,the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that at the point where the permit holder's building and the protestants building are joined the buildings shall be cleanly separated and the roofs of both buildings shall be waterproofed by means of flashing or, if there is an agreement between the two parties, to a joining of the two roofs.

APPEAL NO. 86-144

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 19, 1986, to R. Earl Robinson, permit to alter a building at 123 Raccoon Drive.

Appeal continued to June 11, 1986, for further hearing.

APPEAL NO. V86-102

THOMAS ANGELOFF, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 9, 1986, of Rear Yard Variance sought for property located at 110 Summit Street.

Appeal withdrawn.

APPEAL NO. 86-140

CHARLES M. MCLAUGHLIN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 13, 1986, of Rear Yard Variance sought for property located at 99 Ord Street.

Appeal continued to June 11, 1986, for hearing.

APPEAL NO. 86-098

FRED V. HERRERA, dba "THE STONE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 9, 1986, of Cabaret and Dance Hall Keeper-After Hours permits at 412 Broadway.

Appeal continued to June 11, 1986 for hearing.

There being no further business to come before the Board, President Berg adjourned the hearing at 6:38 p.m.

JUNE 4, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 11, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by Vice President Robert J. McCarthy 5:06 p.m.

Present were: Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

President Berg was on authorized absence.

Also present were Chief Building Inspector Bob Kelley for the Department of Public Works; Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

ADOPTION OF FINDINGS OF FACT: 345 California Street, Appeal No. 86-080, CONTINUED TO JUNE 25, 1986.

REQUESTS FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD: Request to take jurisdiction over permit issued for 1098 Harrison Street...NO MOTION. Request for jurisdiction from Ms. Catherine Tourubaroff re jurisdiction over 250 Beach Street...NO MOTION. Letter from City Attorney's office re jurisdiction over Massage Parlor permit for Ms. Byung Soon Hunt...upon motion Commissioner Jackson, the Board voted 4-0 to hear matter. REQUESTS FOR REHEARING: Letter from John Moriarty, Appeal No. V86-093..NO MOTION. Request from Robert W. Passmore for rehearing of Appeal No. 85-343..NO MOTION.

APPEAL NO. V86-082

JBM & K CONSTRUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of rear yard variance sought for property located at 375-19th Avenue.

Case continued indefinitely.

APPEAL 86-077

FRED ARANDA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on march 29, 1986, of permit to alter a building at 4136 Fulton Street.

Ms. Nancy Gin represented the Department of City Planning. Mr. Aranda did not appear. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and deny the permit.

APPEAL NO. 86-126

RONN RIDGLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT APPROVAL
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on May 5, 1986, to Jay and Juthika Master, permit to alter a building at 1098 Harrison Street.

Chief Building Inspector Bob Kelley spoke in behalf of the Department of Public Works. The appellant, Mr. Ridgle, spoke in his own behalf and was supported by the testimony of Walter Kaplan, Esq. Harry O'Brien, Esq., represented the permit holder. Hearing on this appeal continued to June 25, 1986. Reason for continuance was to give parties more time to work out differences.

APPEAL NO. 86-134

PLANNING ASSOCIATION FOR THE RICHMOND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 9, 1986, to Hank Lee, permit to erect a structure at 150-20th Avenue.

Ms. Shaye Hestor spoke for the appellant. A neighbor, Ms. Katherina Robyns, spoke against the granting of the permit. The permit holder, Mr. Hank Lee, responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that the permit holder shall submit to the Bureau of Building Inspection revised plans in conformity with the revised plans submitted to the Board of Permit Appeals at its hearing June 11, 1986.

APPEAL NO. 86-141

PAMELA SANDOVAL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 19, 1986, to Wendy Bertrand, permit to alter a building at 478-27th Street.

Director Feldman gave a report of a visit he made to site of proposed alterations. Upon motion of Vice President McCarthy, the Board voted 4-0, President Berg was absent, to uphold the department and grant the permit subject to the condition that the permit holder shall pitch the surface of the driveway and cobblestoned parking area on her propert away from the easterly property line so that any rain water will drain away from the property at 480-27th Street.

APPEAL NO. 86-147

RICHARD BRAYTON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 5, 1986, for work done at 1835-36 McAllister Street.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant, Richard Brayton, spoke in his own behalf. Upon motion of Vice President McCarthy the Board voted 4-0 to overrule the department and reduce the penalty to $482.05, plus the regular fee of $482.05, for a total of $964.10 due to the department.

APPEAL NO. 86-146

JUNE GARCIA, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on May 27, 1985, to Helen Franco, permit for Mobile Catering at 20 South Van Ness.

Ms. Garcia spoke in her own behalf. The permit holder, Ms.Helen Franco, was represented by Chad Ertola, Esq. The Board, upon motion of Vice President McCarthy, voted 2 to 2 to uphold the the department and grant the permit. The department is upheld and the permit granted. (Commissioners Jackson and Fung voted to overrule.)

APPEAL NO. 86-145

SIDNEY SHAW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 27, 1986, to Paul Rosenstiel, permit to alter a building at 580 Alvarado Street.

The appellant spoke in his own behalf. The permit holder, Paul Rosenstiel, presented his information and was supported by his architect, Stephen Antomaros. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the department and grant the permit subject to the conditions that (1) an additional restriction be added from the Notice of Special Restriction that there be no side doors into the side yard from the room in question; (2) that the Notice of Special Restriction be modified to indicate the presence of the rear door into that particular room; and (3) that an additional condition be made that a door be placed in a location as approved by the Bureau of Building Inspection in order that the room can be used for sleeping.

APPEAL NO. 86-144

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 19, 1986, to R. Earl Robinson, permit to alter a building at 123 Raccoon Street.

Romona Albright spoke for the appellant and was supported by the testimony of Robert Gefken, structural engineer and Dan McCoughlin, a geologist. A Mr. O'Keefe spoke in support of the appeal. The permit holder Earl Robinson, spoke and was supported by the testimony of Theordore Anderson, a structural engineer. The Board continued the appeal to June 25, 1986, with a site inspection scheduled for June 24, 1986.

APPEAL NO. V86-123

JOHN TARANTINO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 6, 1986, of rear yard variance sought for property located at 135-135A-137-9th Avenue.

Continued to June 25th for hearing.

APPEAL NO. V86-140

CHARLES M. MCLAUGHLIN, Appellant vs. ZONING ADMINISTRATOR, Appellant

Denial on May 13, 1986, of Rear Yard Variance sought for property located at 99 Ord Street.

Hearing of this appeal continued to July 2, 1986.

APPEAL NO. V86-148

JOE AND CATHY FRAGOLA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 5, 1986, of Rear Yard Variance sought for property located at 220 Hartford Street.

Nancy Gin represented the Department of City Planning. The appellants spoke in their own behalf. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the Zoning Administrator and grant the variance.

APPEAL NO. 86-098

FRED V. HERRERA, dba "THE STONE," vs. POLICE DEPARTMENT, Respondent

Denial on April 9, 1986, of Cabaret and Dance Hall Keeper-After Hours permits at 412 Broadway.

Lawrence Wilson represented the Police Department. He was supported by the testimony of Police Captain Lawrence Grey, Sergeant Boyd, Officers Falconer and Yalon, Ms. Agnes Gabreilson, Ron Hohtem, Steuart Caldwell, Don Gabrielson and Mr. Gauello. Philip Ryan, Esq., represented the appellants. He was supported by the testimony of Will Durst, Paul Kanter, Gary Haber, and Robert Carona. Upon motion of Vice President McCarthy, the Board voted 4-0 to overrule the department and grant the permit subject to the findings and conditions attached to the Notice of Order and Decision.

NOTE: FOR THE HEARING OF APPEAL NO. 86-098, THE BOARD MOVED TO THE HEARING ROOM OF THE BOARD OF SUPERVISORS.

There being no further business to come before the Board, Vice President McCarthy adjourned the hearing at 12:01 a.m.

JUNE 11, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 25, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:15 p.m.

Present: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung

Commissioner Douglas J. Engmann was on authorized leave.

Also present were Chief Building Inspector Don Lim, Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for jurisdiction beyond the 10-day appeal period: Letters from San Francisco Studios and from the Josephine McCormick Trust..no motion. Letter from Catherine Tourubaroff...4-0 vote to accept jurisdiction. Adoption of conditions and findings of fact...412 Broadway..3-0 vote to adopt finings with exceptions cited. 345 California Street put over to July 2, 1986.

APPEAL NO. 86-144

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 29, 1986, to R. Earl Robinson, permit to alter a building at 123 Raccoon Street.

Ms. Ramona Albright spoke for the appellant. Doctor Robinson, the permit holder, spoke in his own behalf. Don Lim represent the department Public Works. The matter was put over to the hearing of July 2, 1986. In the interim Dr. Robinson is to make available site maps that will support boundary claims.

APPEAL NO. 86-126

RONN RIDGLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT APPROVAL
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on May 5, 1986, to Jay and Juthika Master, permit to alter a building at 1098 Harrison Street.

Attorneys Fred Hertz and Walter Kaplan appeared for the appellant. Harry O'Brien, Esq., spoke for the permit holder. This matter was continued to the hearing of July 2, 1986, for further hearing. Reason for continuance was in response to request by City Planning.

APPEAL NO. V85-309

ERIC ROSENQUIST, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 1, 1985, of Rear Yard Variance sought for property located at 3729-30 Taraval Street.

Case continued to July 23, 1986.

APPEAL NO. 86-097

FM PRODUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 11, 1986, for work done at 999 Brannan Street.

Appeal withdrawn.

APPEAL NO. 86-156

JIM D. KOSKI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 10, 1986, for work done at 1680 Fulton Street.

Appeal withdrawn.

APPEAL NO. 86-101

FRANKLIN E. HILTON, dba "OSAKA SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 9, 1986, of Massage Establishment permit at 548 Jones Street.

Case continued to July 23, 1986.

APPEAL NO. 86-132

MARIO EVOLA, dba "MARIO"S SERVICE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on May 4, 1986, of permit for Tow Car Operator at 735 Filbert Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Mr. Vincent Prugh from the Consumer's Fraud Division of the City Attorney's Office. Mr. John Tarantino and Mr. Edwards also spoke in support of the Police Department. Terence A. Redmond, Esq., represented the appellant. Upon motion of Commissioner Fung, the Board voted 4-0 to overrule the department and reinstate the permit subject to the condition that the permit holder will tow only those cars that he will repair.

APPEAL NO. 86-157

MYRON MU, dba "THE SALOON," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 13, 1986, of permit to alter a building at 2074 Jackson Street.

Lawrence Wilson, Esq., represented the Police Department. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the department and grant the permit subject to the condition that dancing shall be permitted only in the rear of the building near the band area.

APPEAL NO. 86-124

CHARLES GILLAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 13, 1986, of permit to alter a building at 2074 Jackson Street.
Case continued indefinitely.

APPEAL NO. 86-135

JERRY BERNSTEIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Denial on May 19, 1986, of permit to alter a building at 625 Ashbury Street.

Chief Building Inspector Don Lim for the Department of Public Works. The appellant, Jerry Bernstein, spoke in his own behalf. Chief Lim advised the Board that he would look into this matter and possibly resolve before next hearing. Appeal continued for further hearing July 2, 1986.

APPEAL NO. 86-139

PAMELA MENDALA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 21, 1986, to George E. Becker, permit to alter a building at 512 Liberty Street.

Appeal withdrawn.

APPEAL NO. 86-150

MARILYN SUE LEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 27, 1986, to Vladimir & Stella Raukhman, permit to alter a building at 1320 Anza Street.

The appellant spoke in her own behalf. She was supported by the testimony of Ronald Todd. Jonathan Buckley of the Planning Association of the Richmond spoke. The permit holder spoke in his own behalf and was supported by the testimony of Ron Millen, an engineer. The appeal was continued to July 2, 1986, for further hearing.

APPEAL NO.86-151

CHARLES H. VAUGHN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 27, 1986, to Carole & Raymond Chu, permit to demolish a building at 5426 California Street.

The appellant spoke in his own behalf. Jonathan Buckley of the Planning Association of the Richmond spoke. The new owner of the property, Patrick Fellowes, presented his case. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the department and grant the permit subject to the condition that at the point where the permit holders building and the protestants building are joined the buildings shall be cleanly separated and the roofs of both buildings shall be waterproofed by means of flashing or, if there is an agreement between the two parties, to a joining of the two roofs.

APPEAL NO. 86-152

RICHARD & KATHLEEN KEENAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 29, 1886, to Rose Fergus, permit to erect a structure at 127-15th Avenue.

APPEAL NO. 86-152

(Continued)Mr. Keenan spoke in his own behalf and was supported by the testimony of Marc Feldman and Dr. Lee. The permit holder, Mr. Fergus, responded to questions of the Board. He was aided in his presentation by Bruce Baumann. The matter was continued to June 2, 1986, for further hearing.

APPEAL NO. 86-154

ELAINE EMERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 29, 1986, to James Lee, permit to alter a building at 1010 Bush Street.

Randy Shaw, Esq., presented the case for the appellant. Robert Stevens, a resident of 1010 Bush Street, spoke in support of the appeal. Harley Hardesty, Esq., represented the permit holder. Upon motion of Vice President McCarthy, the Board voted 4-0 to uphold the department and grant the permit subject to the conditions that the permit holder will give 24-hour written notice of intention to shut-off services; and 24-hour notice of intent to enter a room for other than emergency purposes. These notices shall be prominently displayed.

APPEAL NO. V86-123

JOHN TARANTINO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 6, 1986, of Rear Yard Variance sought for property located at 135-135A-137 Avenue.

The appellant presented his own case and was supported by Ms. Janie Jackson. Joann Wilson represented the Department of City Planning. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the variance.

APPEAL NO. 86-149

RHONI KAHN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated May 2y, 1986, for property at 250 Beach Street.

Hearing on this matter continued to July 23, 1986.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:51 p.m.

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 2, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:08 p.m.

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Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Robert Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Adoption of Conditions and Findings of Fact: Appeal No. 85-080 continued to July 16, 1986. Requests for Jurisdiction beyond the 10-Day Appeal Period; Letter from Antonina Bolshakova...no motion. Letter from Rod Izquierdo, 5-0 vote to accept jurisdiction.

APPEAL NO. 86-082

J.B.M. & K. CONSTRUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of Rear Yard Variance sought for property located at 375-19th Avenue.

Continued to July 16, 1986 for further hearing.

Appeal No. 86-144

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 29, 1986, to R. Earl Robinson, permit to alter a building at 123 Raccoon Street.

Hearing on this appeal continued for further hearing July 16, 1986.

APPEAL NO. 86-135

JERRY BERNSTEIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on May 19, 1986, of permit to alter a building at 625 Ashbury Street.

Chief Building Inspector Lim was the only speaker. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 86-150

MARILYN SUE LEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 27, 1986, to Vladimir & Stella Raukhman, permit to alter a building at 1320 Anza Street.

Architect Ron Miller advised the Board that he had prepared new plans showing elevation and re-work of the basement area. The appellant advised the Board that the new plans met with her approval. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the department and grant the permit subject to the following conditions: (1) that the permit holder shall submit the revised plans which were agreed to by the protestor to the Chief Building Inspector of the Bureau of Building Inspection (to replace the plans originally submitted) for expedited review and release; (2) the revised plans include agreed upon changes as follows as set forth in protestor's letter dated July 2, 1986: a) removal of side entry into basement area, b) removal of the wall separating the parking area from the rest of the basement, c) removal of the shower from the new bathroom, d) removal of the double sliding glass door to the backyard, e) lenthening of the parking spaces to accommodate two standard size vehicles, f) in the front of the building, existing staircase shall be retained, g) the double garage door shall be set back two feet, and h) the materials specified for the facade shall be stucco and redwood.

APPEAL NO. 86-152

RICHARD AND KATHLEEN KEENAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 29, 1986, to Rose Fergus, permit to erect a structure at 127-15th Avenue.

Appeal withdrawn.

APPEAL NO. 86-159

BYUNG SOON HUNT, dba "OSAKA MASSAGE PARLOR," Appellant vs. SAN FRANCISCO POLICE DEPT., Respondent

Revocation on April 11, 1986, of permit for Outcall Massage Service and Massage Establishment at 548 Jones Street.

Lawrence Wilson, Esq., represented the Police Department. Gil Eisenberg, Esq., represented the appellant. Upon motion of Vice-President McCarthy, the Board voted 5-0 to uphold the Department and revoke the permit.

APPEAL NO. 86-163

RICHARD GOSSEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 16, 1986, to Peter Haramis, permit to alter a building at 270 Columbus Avenue.

The appellant was not present. The permit holder, Peter Haramis, responded to questions of the Board. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. V86-140

CHARLES M. MCLAUGHLIN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 13, 1986, of Rear Yard Variance sought for property located at 99 Ord Street.

Robert Passmore, the Zoning Administrator, represented the Department of City Planning. The appellant was present. He spoke in his own behalf and was represented by Planning Consultant, Wayne Reike. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and grant the variance subject to the following conditions: (1) that the space under the existing rear deck shall remain open and shall never be enclosed; and (2) that Condition No. 1 shall be recorded as a Notice of Special Restriction on the land records of the City and County of San Francisco on a form approved by the Department of City Planning and that, after recordation, copies of said Notice shall be submitted to both the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this matter.

APPEAL NO. V86-169

LAWRENCE LO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 12, 1986, of Rear Yard Variance sought for property at 464½ Filbert Street.

Appeal continued to July 23, 1986. No testimony taken.

APPEAL NO. 86-126

RONN RIDGLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT APPROVAL
CITY PLANNING APPROVAL
HEALTH DEPARTMENT APPROVAL

Protesting issuance on May 5, 1986, to Jay and Juthika Master, permit to alter a building at 1098 Harrison Street.

Appeal continued to August 6, 1986, for hearing. No testimony taken.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:00 p.m.

JULY 2, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 16, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:10 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

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Also present were Chief Building Inspector Don Lim representing the Department of Public Works; Robert Passmore for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

APPEAL NO. V86-082

J.B.M.&K. CONSTRUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of Rear Yard Variance sought for property located at 375-19th Avenue.

Testimony was not taken on this matter. Vice President McCarthy advised that he was meeting with the concerned parties for the purpose of reaching an agreement acceptable to all concerned. Matter continued to July 23, 1986.

APPEAL NO. 86-144

TWIN PEAKS COUNCIL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 29, 1986, to R. Earl Robinson, permit to alter a building at 123 Raccoon Street.

Chief Building Inspector Don Lim spoke for the Department of Public Works. The appellant and respondent responded to questions of the Commissioners. Upon motion of Vice President McCarthy, the Board voted 3-1 to uphold the Department and grant the permit subject to conditions. (President Berg abstained from the vote as he was not present at previous deliberations) Commissioner Engmann dissented in the above vote. The conditions imposed were: (1) That the permit holder shall follow the recommendations set forth in the report entitled FOUNDATION INVESTIGATION prepared by Harold Lewis and Associates, dated June 21, 1986, as detailed on Page 4 through Page 8 of said report; (2) That the new permit holder shall remove the Monterey Pines on his property adjacent to the new addition and the retaining wall; (3) That the fire hydrant adjacent to the permit holder's property may remain open during the period of construction of the addition, and within three months of the completion of said construction the permit holder shall, in consultation with the San Francisco Fire Department, have the hydrant moved in order to provide adequate vehicular access to the new garage in the addition; (4) That the plans for the addition shall be revised so that the height of the new addition shall be no greater than that of the existing house; and (5) That the conditions above shall be recorded as a Notice of Special Restrictions approved as to form by the Department of City Planning and, once recorded, copies of said notice shall be submitted to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent record in their files.

APPEALS 86-168 AND 86-170 TO BE HEARD TOGETHER HAVING SUBJECT MATTER COMMON TO BOTH

APPEAL NO. 86-168

MICHAEL PIETRO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 16, 1986, to S.F. Parking Authority, permit to erect a structure at 2055 Lombard Street.

APPEAL NO. 86-170

CHARLES E. AND FLORIAN MOORE, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 16, 1986, to S.F.Parking Authority, permit to erect a structure at 2055 Lombard Street.

Chief Building inspector Don Lim represented the Department of Public Works. Robert Passmore, Zoning Administrator, spoke for the Department of City Planning. The appellant spoke in his own behalf and was supported by the testimony of the following: Charles Moore and Kip Oxman, Esq., of McGuire Real Estate Company and Soils Engineer Arthur Knutson. Neighbors Davi Shari and Steven Arien encouraged alternate methods of construction as opposed to pile driving. Ray King of the San Francisco Parking Authority represented the position of the permit holder. He was supported by Soils Engineer Eric Eng, and Architect Richard Osbourne. Commissioner Todd Dickenson of the City Parking Authority supported the permit holder's position. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and grant the permit subject to the condition that pile driving not be used in the construction of the garage.

APPEAL NO. 86-155

JOSEPH F. SIMON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 5, 1986, of permit to alter a building at 1725 Haight Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant was present and was represented by Gordon Lau, Esq. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant said permit. (No conditions imposed.)

APPEAL NO. 86-161

WILLIAM TRISTANT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 12, 1986, of permit to alter a building at 2960 California Street.

Appeal continued to August 27, 1986 prior to hearing.

APPEAL NO. 86-172

WILLIAM TALMADGE, FR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 26, 1986, of permit to alter a building at 2898-23rd Street.

Robert Passmore, Zoning Administrator, represented the Department of City Planning. Planning Consultant, Wayne Rieke, and William A. Talmadge, property agent for the property owner, presented the brief for the appellant. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the department and grant the permit provided that the permit holder provide one more off-street parking space.

APPEAL 86-166 AND 86-167 TO BE HEARD TOGETHER HAVING SUBJECT MATTER COMMON TO BOTH

APPEAL NO. 86-166

HUGH A. AND EILEEN DONOHOE, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 10, 1986, to William and Lois Yen, permit to alter a building at 1358-26th Avenue.

Hugh Donohoe represented the protestant position. Brian Lewis, Esq., spoke for the permit holder. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) On a form approved by the Department of City Planning, the permit holder shall record on the Land Records as a Notice of Special Restrictions the following; (a) the building shall never be extended beyond its presently proposed envelope and (b) that the building shall contain two dwelling units only; and (2) That an interior stairway shall be constructed connecting the first floor apartment and the basement recreation room.

APPEAL NO. 86-167

JANET KEARNS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 10, 1986, to William and Lois Yen, permit to alter a building at 1358-26th Avenue.

See text of above appeal No. 86-166.

THE BOARD DECLARED A BRIEF RECESS AT THIS POINT IN THE HEARING. (7:32 p.m.)

APPEAL NO. 86-164

RUSSELL ABRAMSON, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 11, 1986, to Colonial Construction Company, permit to alter a building at 1000 Corbett Avenue.

Russell Abramson and Ronald Balbi spoke for the protestants. The permit holder, Larry Brodkin, spoke in his own behalf and was supported by the testimony of Architect Harold Dowe and David Karaca. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 86-165

ELLIS L. WEBSTER, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 12, 1986, to Dr. Simon Sterzer, permit to alter a building at 67 Clarendon Avenue.

The appellant position was represented by Jack Peary, Ellis Webster, and Bernard and Emily Boure. Attorney David Kremer spoke for the permit holder. Upon motion of Commissioner Fung, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 86-173

RAY CHAVEZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 13, 1986, (suspended June 18, 1986, for appealing) to Francisco Madriz, permit to alter a building at 1175 Folsom Street.

Ray Chavez presented the appellant position and was supported by the testimony of Dennis Ivan. The permit holder Mr. Madriz was present and was represented by architect Ed Kenoshi. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and grant the permit subject to the following conditions: That the permit holder shall do the following; (1) all trash and garbage shall be placed in sealed plastic bags; (2) that garbage containers with hinged covers shall be used; and (3) that the NO PARKING signs shall be retained.

APPEAL NO. 86-174

OCEAN BEACH HOMEOWNERS ASSOCIATION, vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 18, 1986, to Joseph Chen, permit to alter a building at 855 La Playa, No. 462.

Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 86-175

ELAINE EMERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
DAHI APPROVAL

Protesting issuance on June 24, 1986, to James Lee, permit to alter a building at 1010 Bush Street.

Attorney Randy Shaw represented Ms. Emerson. Harley C. Hardesty, Esq., represented the permit holder, James Lee. Upon motion of President Berg, the Board voted 5-0 to uphold the department and grant the permit subject to the following conditions: (1) That the tenants receive written notice 24 hours prior to the commencement of any work in relation to replacing the doors on the hotel rooms; and (2) there will be 24 hours written notice of any work to take place in the building halls.

APPEAL NO. V86-104

JOHN PICKERING, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 8, 1986, of Off-Street Parking Variance sought for property located at 109 Douglass Street.

Robert Passmore, Zoning Administrator, represented the Department of City Planning. Brian Doyle, Esq. spoke on behalf of the appellant, John Pickering. The appellant also responded to questions of the Board members. Chief Building Inspector Don Lim represented the Department of Public Works. The appellant also had attorney David Cincotta speak on his behalf. Upon motion of Commissioner Jackson, the Board voted 2-3 to overrule the department and grant the permit. Commissioners Berg, Engmann and Fung dissented. Four votes needed to overrule, the Department is upheld and the variance denied. Zoning Administrators findings as contained in the Variance decision adopted to support the Board's action.

APPEAL NO. V86-160

STEPHEN COHEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 6, 1986, of Off-Street Parking Variance sought for property located at 1840-46 Van Ness Avenue.

Robert Passmore, Zoning Administrator, represented the Department of City Planning. Chief Building Inspector Don Lim spoke for the Department of Public Works. David Cincotta, Esq., spoke for the appellant. Mr. Cohen also spoke in his own behalf. Upon motion of Vice President McCarthy, the Board voted 2-3 to overrule the Department and grant the variance. Commissioners Jackson, Engmann and Fund dissented. Four votes needed to overrule, the department is upheld and the variance denied.

APPEAL NO. V86-162

JEAN NAGY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting imposition of condition in granting of Rear Yard Variance sought, on June 9, 1986, for property located at 626A Rhode Island Street.

The appellant spoke in her own behalf. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and modify the condition imposed by the Department of City Planning. See conditions attached to the Notice of Order and Decision in the appeal folder.

APPEAL NO. V86-171

ENCARNACION RAMOS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 171 1986, of Off-Street Parking Variance sought for property located at 1620 Broadway Street.

Robert Passmore represented the Department of City Planning. Wayne Rieke, Planning Consultant, represented the appellant. Ms. Ramos responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and deny the variance.

ADDENDUM ITEMS:

Item 1....Margaret Finess, no motion.
Item 2....Byung Soon Hunt, no motion.
Item 3....Charles H. Vaughn, Motion Commissioner Engmann, 5-0 vote to rehear.
Item 4....Mario Evola, no motion.
Item 5....MEMORANDUM TO COMMISSIONERS STIPULATION FOR APPEAL NO. 84-155, adopted.
Item 6....Michael Hughes, yes on jurisdiction request.
Item 7....Stanley Roth, yes on jurisdiction request.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:04.

JULY 16, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 23, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:17 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

(Vice President McCarthy was on an authorized absence.)

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Nancy Gin for the Department of City Planning; Doris Levine, Official Court Reporter, and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Appeals continued to August 13, 1986..V85-309, 86-101, 86-180, 86-177, 86-183, 86-184, 86-183, 86-184, 86-187, 86-185, 86-149, 86-178, and 86-176. Appeal No. V86-129 was continued to August 27, 1986. Appeal No. 86-182 was withdrawn.

APPEAL NO. V86-082

J.B.M.&K. CONSTRUCTION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on March 18, 1986, of Rear Yard Variance sought for property located at 375-19th Avenue.

The permit holder, Mr. Brian McEvoy, responded to questions of the Board members. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the variance.

APPEAL NO. 86-153

EDUARDO URREA, dba "SOCIEDAD GARDELIANA USA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 2, 1986, of Place of Entertainment permit at 3441 Mission Street.

Lawrence Wilson, Esq. represented the Police Department. The appellant spoke in his own behalf. Upon motion of President Berg the Board voted 4-0 to overrule the Department and grant the permit subject to the following conditions: (1) Music shall not be amplified nor shall drums be used or mariachi music played; (2) Doors and windows shall be closed during performances and practice sessions; and (3) The Electical section of the Department of Public Works must approve all electrical work done on the premises.

APPEAL NO. 86-181

FRANK VAN ORDEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1986, to Dan Viducich, permit to alter a building at 1635-20th AVenue.

APPEAL NO. 86-181 (Continued)
Dr. Van Orden spoke on behalf of the protest. The permit holder, Dan Viducich, spoke in his own behalf and was supported by the testimony of Arthur Goedewaagen, structural engineer Robert Bossi and architect John Rohosky. Upon motion of Commissioner Engmann, the Board voted 4-0 to grant the permit subject to the following conditions: (1) With the exception of the stairs, that no addition be allowed to project into the rear yard; (2) that the fourth floor shall not be extended beyond its present envelope. These conditions shall be recorded as a Notice of Special Restriction on the Land Record of the City and County of San Francisco on a form approved by the Department of City Planning and that, after recordation, copies of said notice shall be submitted to both the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this matter.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:04 p.m.

July 23, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 13, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:13 p.m.

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Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were Lawrence Wilson, Esq., for the Police Department; Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Chief Building Inspector Don Lim, for the Department of Public Works; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

See attached addendum sheet.

APPEAL NO. 86-099

RAMON GREGORY HERNANDEZ, dba "LA BELLA MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 16, 1986, of Massage Establishment permit at 451 O'Farrell Street. On Remand from Superior Court.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Officer Bob Davis. Thomas Steele, Esq., spoke in behalf of the appellant. Upon motion of Commissioner Fung, the Board voted 5-0 to overrule the Department and grant the permit subject to the condition that the name "La Bella Massage" not be used.

APPEAL NO. 86-101

FRANKLIN E. HILTON, dba "OSAKA SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on April 9, 1986, of massage establishment permit at 548 Jones Street.

Lawrence Wilson, Esq., for the Police Department. Neil Eisenberg, Esq., spoke in behalf of the appellant. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 86-180

NEIGHBORHOOD PALS OF OAKLAND, Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on June 24, 1986, of Charitable Organization permit at 936 Geary Blvd.

Lawrence Wilson, Esq., represented the Police Department. The appellant, Marvin Jackmon, spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 5-0 to uphold the department and suspend the permit subject to the conditions that the permit be suspended for 15 days, followed by a probation period of 30 days.

Appeal Nos. 86-149 and 86-178, having subject matter common to both, were heard together. The decision of the Board was binding on both appeals.

APPEAL NO. 86-149

RHONI KAHN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code dated May 27, 1986, for property at 250 Beach Street.

APPEAL NO. 86-178

CATHERINE TOURUBASOFF, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated May 27, 1986, for property at 250 Beach Street.

Robert W. Passmore, Zoning Administrator, and Barry Pearl represented the Department of City Planning. The appellants, Catherine and Alex Tourubasoff, spoke in their own behalf and were represented by Sharon Grace, Esq. Michael Hall, Esq., represented the property owner and was supported by the testimony of Al Hunter. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Director's order to cease violation of the Planning Code.

APPEAL NO. 86-189

STANLEY ROTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated May 27, 1986, for property at 250 Beach Street.

Appeal withdrawn prior to hearing.

APPEAL NO. 86-191

MICHAEL HUGHES, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated May 27, 1986, for property at 250 Beach Street.

Appellant withdrew appeal at hearing.

PRESIDENT BERG CALLED A RECESS AT THIS TIME FOR THE COURT REPORTER (6:40 p.m. to 6:55 p.m.)

Appeal Nos. 86-177, 86-183, 86-184, 86-187 and 86-196, having subject matter common to all, were heard together. The decision of the Board was binding on each of the appeals.

APPEAL NO. 86-177

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 26, 1986, to Martin Ryan, permit to erect a building at 423 Quintara Street.

APPEAL NO. 86-183

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1986, to William F. Spiers, permit to erect a structure at 435 Quintara Street.

APPEAL NO. 86-184

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1986, to William F. Spiers, permit to erect a structure at 441 Quintara Street.

APPEAL NO. 86-187

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 9, 1986, to Paul Dohty, permit to erect a structure at 431 Quintara Street.

APPEAL NO. 86-196

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 18, 1986, to Sean Roche, permit to erect a structure at 2110-14th Avenue.

The appellant spoke in his own behalf. He was supported by the testimony of Daniel and Lydia Benoit, and Hugh Bell, President of the Sunset Heights Association. John Donohue, President of the Builder's Association, spoke in support of the permit holder. John Lau and William Spiers also spoke in support of the property owners. Robert W. Passmore, Zoning Administrator, presented the Department of City Plannings position. Upon motion of Commissioner Fung, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the permit holder shall revise the plans to eliminate the direct access from the lobby to the ground level space to the rear of the garage and stairwell. (2) That the permit holder shall revise the plans to eliminate all but the required electrical outlets in the non-habitable ground floor storage rooms. (3) That these conditions shall be recorded as a Notice of Special Restrictions on the land records of the City and County of San Francisco on a form approved by the Zoning Administrator and once recorded, copies of said notice shall be sumbitted to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this case.

APPEAL NO. 86-176

ALDO R. LUCCHESI, JR. & ANN B RAMSEY, vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 23, 1986, of permit to alter a building at 3133-37 Broderick Street.

Appeal continued to September 17, 1986, at request of Frank Lew, Superintendent of the Bureau of Building Inspection.

APPEAL NO. 86-185

LORENZO MURPHY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated July 3, 1986, for property at 2586-90 Folsom Street and 3014-22nd Street.

Robert W. Passmore, Zoning Administrator, spoke for the Department of City Planning. Jerry and Pat Reeves spoke in support of the Department. Gordon Lau, Esq., represented the appellant who also spoke in his own behalf. Mr. Chuck Miller of Grubb and Ellis spoke in support of the appellant. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Zoning Administrator's order to cease violation of the Planning Code. Findings of fact adopted at hearing.

APPEAL NO. V85-309

ERIC ROSENQUIST, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 1, 1986, of Rear Yard Variance sought for property located at 3728-30 Taraval Street.

Appeal withdrawn prior to hearing.

AUGUST 13, 1986

Jerry E. Berg, President

Robert H. Feldman, Executive Director

ADDENDUM TO CALENDAR OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 13, 1986
5:00 P.M., ROOM 282, CITY HALL

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUEST FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD

Letter from Edward J. Basler asking the Board to take jurisdiction over Police Department denial of TOW CAR OPERATOR permit at 843 Brussels Street.

Police decision issued	July 28, 1986 (1) NO MOTION
Appeal period ended	August 7, 1986
Request for jurisdiction received	August 8, 1986

Letter from Luther A. Elarms requesting the Board to take jurisdiction over Police Department denial of DANCE HALL KEEPER & PLACE OF ENTERTAINMENT permit for 1775 Fulton Street.

Police decision issued	July 8, 1986 (2) NO MOTION
Appeal period ended	July 18, 1986
Request for jurisdiction received	July 21, 1986

REQUESTS FOR REHEARING

Letter from Ramona for rehearing of Appeal No. 86-144. The appellant appealed the issuance of a building permit for alterations to a building at 123 Raccoon Drive. On July 16, 1986, the Board voted 3-1 to uphold the department and grant the permit subject to conditions. (Commissioner Engmann dissented, President Berg abstained from voting.) (3) NO MOTION

Letter from Stephen Cohen for rehearing of Appeal No. V86-160. The appellant appealed the denial of a parking variance for property at 1840-46 Van Ness Avenue. On July 16, 1986, upon motion of Vice President McCarthy, the Board voted 2-3 to overrule the department and grant the variance. Commissioners Engmann, Fong and Jackson dissented. Four votes needed to overrule, the Department was upheld and the variance denied. (4) NO MOTION

Letter from William Talmadge, Jr., for rehearing of Appeal No. 86-172. The appellant appealed the denial of a permit to alter a building at 2898-23rd Street. On July 16, 1986, the Board upon motion of Commissioner Engmann, voted 5-0 to overrule the Department and grant the permit subject to the condition that the permit holder must provide one more off-street parking space. Rehearing requested to delete the condition. ENGMAN MADE MOTION TO REHEAR 5-0 VOTE..SEPT 10, 1986

Letter from John Pickering requesting rehearing of Appeal No. V86-104. The appellant appealed the denial of an off-street parking variance. On July 16, 1986, the Board upon motion of Commissioner Jackson, voted 2-3 to overrule the department and grant the variance. Commissioners Berg, Fung and Engmann dissented. Four votes needed to overrule, the department is upheld and the variance denied. NO MOTION

REQUEST FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD

Letter from Charles R. Maiki asking the Board to take jurisdiction over Police Department revocation of DRIVER PUBLIC VEHICLE permit dba "Allied Cab Co." at 1200 Minnesota Street.

Police decision issued	July 28, 1986 NO MOTION
Appeal period ended	August 7, 1986

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 10, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg 5:16 p.m.

Present were: President Jerry E. Berg
Vice President Robert J. McCarthy
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Frank S. Fung

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Nancy Gin and Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Gary Guilmain for the Department of Health; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

See attached Addendum Sheet

APPEAL NO. 86-161

WILLIAM TRISTANT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 12, 1986, of permit to Alter a Building at 2960 California Street.

Robert Passmore spoke for the Department of City Planning. The appellant was not present. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 86-219

JOSE MARTIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 15, 1986, for work done at 33 Persia Avenue.

Appeal withdrawn prior to hearing. No reason given.

FOLLOWING APPEAL TAKEN OUT OF CALENDAR ORDER

APPEAL NO. 86-210

HUNG LE, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 22, 1986, of Massage Establishment permit, at 921 Kearney Street.

Lawrence Wilson, Esq., appeared for the Police Department. Jan Fuchs, Esq., represented the appellant. Mr. Wilson requested a continuance. Mr. Fuchs stated that Deborah Haynor, Mary DuMont and Dong Van Nhuyen were present to give testimony for the appellant. Mr. Wilson stipulated to their testimony and they were excused from attending a continued hearing. Case continued to October 8, 1986 for further hearing.

APPEAL NO. 86-214

MIKE T. BANDUCCI, dba "B AND A TOWING," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 28, 1986, of Tow Car Operator permit at 1560 Folsom Street.

Lawrence Wilson. Esq., represented the Police Department. The appellant spoke in his own behalf. Mr. Charles B. Green, owner of the property where B and A Towing is now located, stated that the towing service would no longer occupy that property after September 17, 1986. Appeal continued to October 8, 1986 for further hearing.

APPEAL NO. 86-222

LEON PORTNOY, Appellant vs. DEPT. PUBLIC HEALTH, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 12, 1986, of permit to Operate a Push Cart at 768 Sansome Street.

Robert W. Passmore for the Department of City Planning. Gary Guilmain for the Department of Public Health. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and deny the permit. Mr. Portnoy was not present.

APPEAL NO. 86-221

JOHN E. BARBEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 22, 1986, of permit to Alter a Building at 50 Liberty Street.

Chief Building Inspector Don Lim for the Department of Public Works. The appellant spoke in his own behalf. At the request of the appellant, the case was continued to October 8, for further hearing.

APPEAL NO. 86-224

SUE LOWE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 14, 1986, of permit to Alter a Building at 5201 Third Street.

Chief Building Inspector Don Lim for the Department of Public Works. The appellant spoke in her own behalf supported by the testimony of Michael Williams and Marvin Robinson. Gil Eisenberg, Esq., spoke for the permit holder. Robert Passmore represented the Department of City Planning. Upon motion of Commissioner Fung, the Board voted 4-1, Commissioner Jackson dissenting, to uphold the Department and grant the permit.

HEARING RECESS 6:31 to 6:39

APPEAL NO. 86-217

P. THEODORE ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 4, 1986, to John Lau, of permit to Erect a Structure at 447 Quintara Street.

Chief Building Inspector Don Lim for the Department of Public Works. Robert W. Passmore for the Department of City Planning. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the permit holder shall revise the plans to eliminate the direct access from the lobby to the ground level space to the rear of the garage and stairwell; (2) That the permit holder shall revise the plans to eliminate all

APPEAL NO. 86-217 CONTINUED
but the required electrical outlets in the non-habitable ground floor storage rooms; and (3) That these conditions shall be recorded as a Notice of Special Restrictions on the Land Records of the City and County of San Francisco on a form approved by the Zoning Administrator and once recorded, copies of said Notice shall be submitted to the Department of City Planning and to the Board of Permit Appeals to be made a part of the permanent files in this case.

APPEAL NO. 86-218

AGNES & KLAUS MURER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1986, to Gustav & Dorothy Knecht, of permit to Alter a Building at 17 Bret Harte Terrace.

Chief Building Inspector Don Lim for the Department of Public Works. Robert W. Passmore for the Department of City Planning. The appellants spoke in their own behalf. The permit holder, Dorothy Knecht, spoke in her own behalf and was supported by the testimony of her architect, Thomas Higley. Upon motion of Commissioner Fung, the Board voted 4-1, Commissioner Engmann dissenting, to uphold the Department and grant the permit subject to the condition that the architect redesign that portion of the sidewall so that the first floor landing to the mid-landing has an open rail above the stairs.

APPEAL NO. 84-269

SAN FRANCISCANS FOR REASONABLE GROWTH AND THE NORTH OF MARKET PLANNING COALITION, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 11, 1986, to Trinity Properties, permit to Erect a Structure at 1145 Market Street.

Let the record indicate that the five Commissioners had each read and considered the EIR.

Sue Hestor, Esq., and Brad Paul presented the appellant position and were supported by the testimony of Walter Kaplan, Esq. David Cincotta, Esq., and Jim Mitchell, the project sponsor, represented the respondent position. The Department of City Planning was represented by Barbara Sahm, Catherine Baumaun, and Robert W. Passmore. The appeal was continued to September 17, 1986, for further hearing.

APPEAL NO. 86-215

STEPHEN A. SHERWIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 21, 1986, to Christopher Allick, of permit to Alter a Building at 3317 Washington Street.

Chief Building Inspector Don Lim for the Department of Public Works. The appellant spoke in his own behalf. The permit holder, Christopher Allick, and attorney Howard Wexler gave the respondent position. Upon motion of Vice President McCarthy, the Board voted 5-0 to uphold the department and grant the permit subject to the following conditions: (1) That the continuous foundation and one-hour fire wall shall be built according to Code; (2) The fire wall shall not be higher than the deck floor; and (3) That the District Building Inspector shall inspect the project to ascertain the legality of said project.

APPEAL NO. V86-220

BILL LIM AND BILL YUEN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 6, 1986, of Rear Yard Variance sought for property at 793-37th Avenue.

Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. The appellant, Bill Yuen, spoke in his own behalf and was supported by the testimony of his architect, John Lau. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the department and deny the variance.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:45 p.m.

SEPTEMBER 10, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 29, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:14 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung
Commissioner Jose E. Medina

Vice President Engmann was on an authorized absence.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Robert W. Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Deputy City Attorney Melba Yee for the City Attorney's Office; Barry Pearl for the Department of City Planning; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

REQUESTS FOR JURISDICTION BEYOND THE 10-DAY PERIOD: Letter from Stan Long, Director of Security for the Ramada Renaissance Hotel..NO MOTION. Letter from Peter Roche regarding the Castro Bean..MOTION TO HEAR: (BERG) For hearing November 19, 1986.

REQUEST FOR REHEARING: Letter from Ilyas Absar...MOTION TO REHEAR (F) for rehearing November 19, 1986. Letter from Loren A. Draznin..NO MOTION. Letter from Phil Siggins, Esq., ..MOTION TO REHEAR (JACKSON). For rehearing November 19, 1986.

APPEAL NO. 86-235

JORGE DEL RIO, dba "EL TORO BAR GRILL," Appellant AND vs. POLICE DEPARTMENT, Respondent

Denial on August 28, 1986, of Dance Hall Keeper and Place of Entertainment permits at 2470 San Bruno Avenue.

Lawrence Wilson, Esq., appeared for the Police Department. The appellant spoke in his own behalf and was also represented by Jorge Portugal, Esq. Case continued to November 5, 1986, for further hearing.

APPEAL NO. 86-234

E. TERI ALLEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Protesting issuance on August 20, 1986, to Ted Aksnes, permit ot alter a building at 1882 Green Street.

The appellant spoke in her own behalf. The permit holder, Ted Aksnes, responded to questions of the Commissioners. Upon motion of Commissioner Fung, the Board voted 4-0 to delete conditions No. 2 and No. 3 of the Board's decision of September 24, 1986.

APPEAL NO. 86-257

EMMIT KENNEDY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 29, 1986, of permit to alter a Building at 5174 3rd Street.

Barry Pearl represented the Department of City Planning.Mr. and Mrs. Emmit Kennedy spoke in their own behalf and were supported by the testimony of tenants Mr. and Mrs. White. This matter continued to November 19, 1986. Commissioner Jackson to assist appellant in securing appropriate documentation to legalize ninth unit.

APPEAL NO. 86-240

M & T PROPERTIES, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on September 12, 1986, of permit to alter a building at 369 Pine Street.

Appeal withdrawn prior to hearing. Letter of withdrawel in file.

APPEAL NO. 86-223

WILLIAM POWERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 22, 1986, of permit ot alter a building at 2375-2377 Franicsco Street.

Hearing rescheduled to December 3, 1986. No testimony taken.

APPEAL NO. 86-277

DONALD WASSERMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 28, 1986, of permit to alter a building at 2736-2758 Franklin Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the department and deny the permit subject to the condition that the Bureau of Building Inspection send a Building Inspector to the appellant's property and advise his what he is required to do in regard to insulating his ceiling.

APPEAL NO. 86-230

BERNARD SCHWEIGERT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on September 2, 1986, of permit to alter a building at 743-C Oak Street.

Case continued to December 3, 1986 for hearing.

APPEAL NO. 86-239

D.P. SAMANT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on September 5, 1986, of permit to alter a building at 445 Bush Street.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant's spoke in their own behalf. The building owner, Mr. Louis Pratt, and his son Rennie Pratt, responded to questions of the Board. Hearing on this matter continued to December 3, 1986, for further hearing.

APPEAL NO. 86-207

PIERO BOSCACCI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 4, 1986, of permit to alter a building at 1520-22A Lombard Street.

Matter continued to December 3, 1986, for hearing.

APPEAL NO. 86-228

FEDERAL SIGN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 26, 1986, of permit to erect a sign at 1300 Post Street.

APPEAL NO. 86-232

FEDERAL SIGN, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 26, 1986, of permit to erect a sign at 1300 Post Street.

APPEAL NO. 86-233

FEDERAL SIGN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

The above three cases have subject matter in common. They were continued to November 19, 1986. Purpose of continuance to facilitate compromise between appellant and City Planning.

APPEAL NO. 86-244

GANNETT OUTDOOR ADVERTISING, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code dated September 5, 1986, for property at 670-8th Street.

Robert Passmore represented the Department of Public Works. Mr. Leon Baumgarten spoke in support of the Department. Mr. Robert Beals represented the Gannett Advertising Agency. Upon motion of President Berg, the Board voted 4-0 to uphold the Zoning Administrator's Order.

APPEAL NO. 86-264

WANDA CASTRO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 29, 19861 to John T. and Lois E. Williams permit to alter a building at 1529 Beach Street.

Sue Hestor, Esq., represented the appellant. The permit holders, Mr. and Mrs. John Williams spoke in their own behalf and were supported by the testimony of neighbors Mr. and Mrs. Fred Verhey and Dr. Herbert Stuart. The matter was continued to allow appellant's attorney to secure material from City Planning. Continued to November 12, 1986.

APPEAL NO. 86-231

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting Determination on August 20, 1986, that the Pacific III Project is Under Construction Within the Meaning of Section 175.1 and Related Zoning Bulletin dated February 21, 1986.

APPEAL NO. 86-231 (Continued) Sue Hestor, Esq., repesented the appellant. Mr. Paul Wartel spoke in opposition to the conversion of the Victoria Hotel. The presentation of the respondent position was led off by Mr. Joe Chen. President of the Rede Development Corporation. He was supported by Mr. Walter Johnson of the San Francisco Labor Council. Mr. Jeff Heller, project architect, and Mr. Levin Nishkion, of Cahill Constructi Company used charts and pictures to support the permit holders position. Timothy Tosta, Esq., spoke on behalf of the permit holder. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the Department and sustain the Zoning Administrator's Order.

There being no further business to come before the Board, President Berg adjourned the hearing at 8:34 p.m.

OCTOBER 29, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 3, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:20 p.m.

Present were: President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung
Commissioner Jose E. Medina

Vice President Douglas J. Engmann was on authorized leave.

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Robert W. Passmore, Zoning Administrator, for the Department of City Planning; Bill Nall for the Department of Public Health; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

(1) REQUESTS THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN DAY APPEAL PERIOD: Letter from Francis J. McTernan..NO MOTION.

REQUESTS FOR REHEARING:

(2) Letter from Mr. P. Theodore Anderson for rehearing of Appeal No. 86-275...NO MOTION.

(3) Letter from Mr. P. Theodore Anderson for rehearing of Appeal No. 86-258...NO MOTION

(4) Letter from Jack Wholey on behalf of permit holder for rehearing of Appeal No. 86-283 Upon motion of President Berg, the Board voted 4-0 to rehear the appeal. Rehearing scheduled for December 17, 1986.

(5) Letter from Norbert J. Dickman, on behalf of appellant, for rehearing of Appeal No. V86-285. NO MOTION.

APPEAL NO. 86-296

ELBA POGGI, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Protesting issuance on October 20, 1986, to Anthony W. Braun, permit to Alter a Building at 4032 Ulloa Street.

Robert H. Feldman, the Executive Director, gave a report of the site inspection he made with Chief Building Inspector, Don Lim. The appellant was present and responded to questions of the Executive Director. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and grant the permit subject to the following conditions: (1) That the ramp shall be removed within 90 days of the effective date of this order. The existing deck may be retained; and (2) A new stairway in conformity with the Building and Planning Codes shall be built to replace the ramp, with the plans for the stairs to be submitted for review and approval of the Chief Building Inspector under this Application No. 8601224 (PERMIT NO. 556170).

APPEAL NO.86-249

QRS CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 21, 1986, of permit to Erect a Sign at 2184 Mission Street.

Robert W. Passmore represented the Department of City Planning. Harry O'Brien, Esq., represented the appellant. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 86-250

QRS CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 21, 1986, of permit to Erect a Sign at 5454 Mission Street.

Robert W. Passmore represented the Department of City Planning. Harry O'Brien, Esq., represented the appellant. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 86-301

NEIGHBORHOOD PALS OF OAKLAND, INC., vs. POLICE DEPARTMENT, Respondent

Revocation on October 21, 1986, of Charitable Organization Certificate at 936 Geary Blvd.

Continued to January 14, 1986, prior to hearing. For Regular Hearing.

APPEAL NO. 86-300

RAJA KHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on October 28, 1986, for work done at 611 Folsom.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellan spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to uphold the Department and sustain the penalty.

APPEAL NO. 86-309

PETER ROCHE, Appellant vs. DEPT. OF PUBLIC HEALTH, Respondent

Protesting issuance on October 20, 1986, to Patricia and Mahmoud Larizedeh, Coffee Bean Take-Out and Coffee Bean Roasting permit, at 415 Castro Street.

Mr. Bill Nall represented the Department of Public Health. Robert Passmore spoke for the Department of City Planning. The appellant, Peter Roche, spoke in his own behalf and was supported by the testimony of Margaret Bedor, Dennis Ziebell, Alexander Spowosky, Franklin Clark, Nadine de Guzman, Steven Keaton, Larry Dunsmore, Melvin Reskin, Marguerite McNally, Leslie Toblee. The permit holder, Mahmoud Larizadeh, spoke in his own behalf. He was supported by the testimony of his brother. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the department and grant the permit subject to the following conditions: (1) That the permit holder will install a blower system with a carbon filtration unit; and (2) The roasting machine is to be operated between the hours of 8 a.m. and 10 a.m. on Mondays, Wednesdays, Thursdays and Fridays only.

APPEAL NO. 86-207

PIERO BOSCACCI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 4, 1986, of permit to Alter a Building at 1520-22A Lombard Street.

Case continued to January 14, 1986, for regular hearing.

APPEAL NO. 86-223

WILLIAM POWERS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 22, 1986, of permit to Alter a Building at 2375-2377 Francisco Street.

Continued to January 14, 1986 for regular hearing.

APPEAL NO. 86-230

BERNARD SCHWEIGERT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on September 2, 1986, of permit to Alter a Building at 743-C Oak Street.

Continued to call of the Chair.

APPEAL NO. 86-239

D. P. SAMANT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on September 5, 1986, of permit to alter a building at 445 Bush Street.
FOR FURTHER HEARING

No further testimony was taken. Upon motion of President Berg, the Board voted 4-0 to overrule the department and grant the permit.

APPEAL NO. 86-265

JAMES A. LUCEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 24, 1986, of permit to alter a building at 17-19 Chattanooga Street.

Robert W. Passmore, Zoning Administrator, appeared for the Department of City Planning The appellant spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the department and grant the permit.

APPEAL NO. 86-293

THOMAS E. MCCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. He was supported by the testimony of a neighbor, Jack Buick. Lloyd Krenna, Esq., represented the permit holder, Thomas E. McCormick, who also spoke in his own behalf The appellant side was further supported by the testimony of Mr. Don Hildebrandt, an engineer. Upon motion of President Berg, the Board voted 4-0 to uphold the department and deny the permit.

APPEAL NO. 86-298

GREG HOLZMAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 22, 1986, of permit to alter a building at 1701 Van Ness Avenue.

Chief Building Inspector Don Lim represented the Department of Public Works. Upon motion of President Berg, the Board voted 4-0 to overrule the department and grant the permit. Findings of Fact adopted.

APPEAL NO. V86-299

JEAN DEL CARLO, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 15, 1986, of Rear Yard Variance sought for property located at 510-512 Sanchez Street.

Case continued to January 14, 1987.

APPEAL NO. V86-302

ARTHUR ADAMS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 21, 1986, of Front Setback Variance sought for property located at 2014-19th Street.

Continued to January 14, 1986.

APPEAL NO. 86-305

TERMINAL PLAZA CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 20, 1986, to Five Fremont Center Associates, permit to alter a building at 50 Fremont Street.

Continued to December 17, 1986, for regular hearing.

APPEAL NO. 86-306

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Continued to December 17, 1986, for regular hearing.

There being no further business to come before the Board, President Berg adjourned the hearing at 7:40 p.m.

DECEMBER 3, 1986

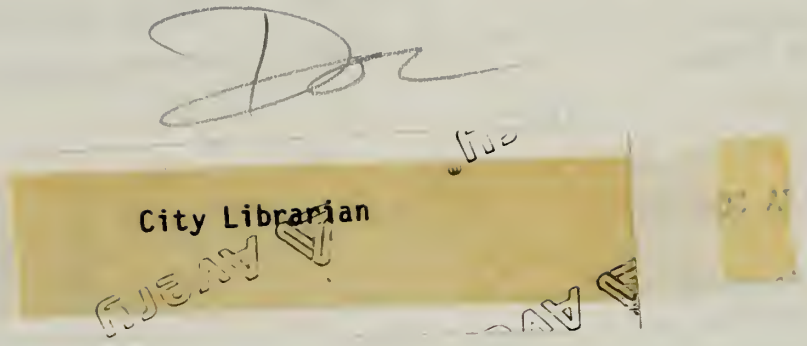
Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102



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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 10, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:06 p.m.

PRESENT WERE: President Jerry E. Berg
Vice President Douglas J. Engmann (Arrived 5:12 p.m.)
Commissioner Mattie J. Jackson
Commissioner Frank S. Fung
Commissioner Jose E. Medina

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Robert W. Passmore for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests that the Board take Jurisdiction beyond the 10-Day Appeal period:

Letter from Ms. C.F. Minkus on behalf of Ms. Tillie Wolf...NO MOTION. Letter from Mr. Terry Song...NO MOTION.

APPEAL NO. 86-210

Denial on July 28, 1986, of permit to alter a building at 114-116 Clarendon Avenue. (REHEARING)

Jack Wholey , Esq., represented the appellant, Ilyas Absar. Robert W. Passmore, Zoning Administrator, represented the Department of City Planning. The appellant spoke in his own behalf. Upon motion of Commissioner Fung, the Board voted 4-1 (Commissioner Engmann dissenting) to overrule the Department and grant the permit. Findings of fact adopted.

APPEAL NO. 86-286

DENISE A. LAMB, Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on October 6, 1986, of Driver Public Vehicle permit.

Lawrence Wilson, Esq., for the Police Department. Upon Mr. Wilson's recommendation, the Board vote 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 86-310

YUNG S. LEE, dba "SUKY"S SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on October 14, 1986, of Massage Establishment permit at 136 Mason Street.

Lawrence Wilson, Esq., represented the Police Department. He was supported by the testimony of Officer Dan O'Shea and Sgt. Curran. The appellant was represented by Attorney Tom Steele. Upon motion of President Berg, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 86-317

ALEXANDER BERESNEV, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 21, 1986, of Driver Public Vehicle permit.

Lawrence Wilson, Esq., for the Police Department. He was supported by the testimony of Mr. Granville Brooks, an Inspector for the Weights and Measure Section of the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Fung, the Board voted 5-0 to overrule the Department and reinstate the permit subject to the condition that effective January 2, 1987, the permit will be suspended for a period of three months, at the end of that time the appellant will be placed on probation for a period of nine months. (Inspector Parenti spoke in support of the Police Department's position.)

APPEAL NO. 86-319

KENNETH M. WOON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for refund of penalty imposed on November 10, 1986, for work done at 1201 Pacific Avenue.

Chief Building Inspector Don Lim appeared for the Department of Public Works. The appellant, Mr. Kenneth Woon, spoke in his own behalf. Upon motion of President Berg, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 86-323

STANLEY CHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty for work done at 2490-18th Avenue.

The appellant did not appear. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and sustain the penalty. (NOTE: The appellant contacted the Executive Director after the hearing and advised that he was unaware of the hearing date. Case rescheduled to January 21, 1987.

APPEAL NO. 86-308

LEONARD LEVY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 28, 1986, to William and Carolee Scoortis, permit to alter a building at 3880 Clay STreet.

Neil Eisenber, Eisenberg, Esq., appeared for the appellant. He was supported by the testimony of Mr. James Ream, President of PHAM (Pacific Heights Association of Neighbors). Attorney Jonathan Bass represented the permit holder. Upon motion of President Berg, the Board voted 5-0 to uphold the Department.

THE FOLLOWING THREE APPEALS HAVING SUBJECT MATTER IN COMMON WERE HEARD TOGETHER

APPEAL NO. 86-307

BETTY RADER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 86-313

ROBERT RANSOM, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

APPEAL NO. 86-316

TELEGRAPH HILL DWELLERS, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 28, 1986, to Alfred Wastlhuber, permit to erect a structure at 19 Alta Street.

Barabra Brenner, Esq., represented Ms. Betty Rader. Mr. Larry Hemberger represented the Telegraph Hill Dwellers Aswociation. The permit holder, Mr. Alfred Wastlhuber and his wife spoke in their own behalf. Chief Building Inspector Don Lim responded to questions of the Commissioners. Upon motion of Commissioner Fung, the Board voted 5-0 to uphold the Department and grant the permit subject to the following conditions: (1) That in observation of State law, that the parties will cooperate in scheduling of the underpinning and shoring work; (2) That the recommendations of the Landmarks preservati Advisory Board in terms of horizontal siding and the change of the windows from metal to wood be observed; and (3) In the event of unusual geologic formations discovered during the excavation process, that construction shall be suspended until allowed to continue by the Bureau of Building Inspection.

APPEAL NO. 86-279

MELVIN WILLIAMS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 3, 1986, to Robert A. Imhoff, permit to alter a building at 250 Taylor Street.

Randy Shaw, Esq., represented the appellants. He was supported by the testimony of Arnold Lerner of the Heritage Foundation and the Messrs. Joe Lacy, Brad Paul, Michael Newman, Jim Faye, Allan Kelley and Alan Mazzucchelli. Mr. Robert Imhoff, the permit holder, spoke in his own behalf. Attorney William McCrane represented Mr. Imhoff. Contractor Peter Bellinger supported Mr. Imhoff's testimony. This matter continued to December 17, 1986, for further hearing.

8:05 p.m. AT THIS POINT IN THE HEARING COMMISSIONER ENGMANN LEFT.

APPEAL NO. 86-315

FLOYD ROTH AND NANCY WILSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 28, 1986, to Artman Construction, permit to alter a building at 2016 Pacific Avenue.

The appellants spoke in their own behalf and were supported by the testimony of Alice Kern. Robert W. Passmore represented the Department of City Planning. Mr. Gary Chang spoke for the permit holder. Case continued to January 14, 1986, for FURTHER HEARING.

APPEAL NO. 86-318

DAGGETT H. HOWARD, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 29, 1986, to Robert H. Strand, permit to Alter a building at 2911 Pine Street.

Appeal withdrawn by appellant prior to hearing.

APPEALS NO. 86-322 THRU 86-341

NEIGHBORS AND RESIDENTS OF THE DUBOCE TRIANGLE, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 14, 1986, to Donald MacDonald, permits to erect structures at 2,4,6,8,10 and 12 Steiner Street.

Brother Charles Hedrick spoke for the appellants. He was supported by the testimony of Messrs. Steve Matson, Tom Astoris, Al Shaw, Robert Tarterkoff and Douglas Brock. Robert W. Passmore spoke for the Department of City Planning. Mr. MacDonald, the permit holder, spoke and was supported by the testimony of Messers. Josiah Freewald, Herb Lilly and Curtis Tooze. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the department and grant the permit. Commissioner Engmann was absent at the vote.

APPEAL NO. V86-311

AHMAD MOHAZAB, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 30, 1986, of Rear Yard Variance sought for property located at 2074 Jackson Street.

Robert W. Passmore, Zoning Administrator, spoke for the Department of City Planning. The appellant spoke in his own behalf and was supported by Mr. Trini Lye, owner of the property. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 86-126

RONN RIDGLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPT. APPROVAL
CITY PLANNING APPROVAL
HEALTH DEPT. APPROVAL

Protesting issuance on May 5, 1986, to Jay and Juthika Master, permit to alter a building at 1098 Harrison Street.

This matter was continued to the 'Call of the Chair' by President Berg.

There being no further business to come before the Board, President Berg adjourned the hearing at 9:43 p.m.

DECEMBER 10, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 17, 1986

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Berg at 5:20 p.m.

Present were: President Jerry E. Berg
Vice President Douglas J. Engmann
Commissioner Frank Fung
Commissioner Jose E. Medina

Commissioner Jackson was on an authorized absence

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Robert W. Passmore and Ms. Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Court Reporter; and Robert H. Feldman, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for Rehearing: Letter from Lloyd R. Crenna, Esq., on behalf of Mr. Thomas E. McCormick, for rehearing of Appeal No. 86-293. NO MOTION

APPEAL NO. 86-279

MELVIN WILLIAMS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 3, 1986, to Robert A. Imhoff, permit to Alter a Building at 250 Taylor Street.

Randy Shaw, Esq., attorney for the appellant, and Philip Martin, Esq., attorney for the permit holder responded to questions of the Commissioners. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit subject to the conditions attached to the Notice of Order and Decision.

APPEAL NO. 86-322

MARIO EVOLA, dba "MARIO vs. POLICE DEPARTMENT, Respondent

Suspension on November 3, 1986, of Tow Car Operator permit at 735 Filbert Street.

Lawrence Wilson, Esq., represented the Police Department. Terence C. Redmond, Esq., spoke for the appellant who also spoke in his own behalf. Upon motion of President Berg, the Board voted 4-0 to overrule the department and reinstate the permit subject to the following condition: That the department will reinstate the permit as of February 22, 1987, with the condition imposed by the Board of Permit Appeals on June 25, 1986, deleted.

APPEAL NO. 86-325

UTMOT T. NGO (AKA KIM LEE), Appellant vs. POLICE DEPARTMENT, Respondent

Denial on November 7, 1986, of Masseuse permit at 450-B Street.

Lawrence Wilson, Esq., for the Police Department. Keith Stevens, Esq., appeared for the appellant. The appellant responded to questions of the Commissioners. Upon motion of President Berg, the Board voted 4-0 to overrule the department and grant the permit.

APPEAL NO. 86-256

DANA DEVOTO HEMBERGER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 17, 1986, to Lance Myers, permit to alter a building at 69 Uranus Terrace.

The appellant spoke in his own behalf and was supported by the testimony of Ms. Dion Hemberger King and that of Planning Consultant Wayne Rieke. Mr. Myers, the permit holder and architect, Robert Swanson, presented the appellant position. Upon motion of Commissioner Fung, the Board voted 4-0 to uphold the Department and grant the permit. The Board requested that the parties get together to resolve their differences within a seven day period following the hearing.

APPEAL NO. 86-324

CHRISTOPHER SABRE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 5, 1986, to McEntee Construction Company, permit to Demolish a Building at 533 Wisconsin Street.

The appellant, Christopher Sabre, spoke in his own behalf and was supported by the testimony of Mr. Robert Bower. Charles Stuart, Esq., represented the permit holder, McEntee Construction Company. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit subject to the condition that there shall be no action on this demolition permit and it is hereby stayed until a building permit for new construction on this site is approved and issued and all administrative appeal periods have run on said building permit. Before the Board took testimony on this matter, Paula Jesson, Deputy City Attorney, responded to questions of the Board members regarding provisions of Proposition M.

HAVING SUBJECT MATTER IN COMMON, THE FOLLOWING APPEALS WERE HEARD TOGETHER: APPEALS NO. 86-343, 86-344, 86-345, 86-346, 86-347, 86-348, 86-349, 86-350, 86-351, and 86-352.

Order to Cease Violation of the Planning Code dated October 6, 1986, at 400 North Point Street.

The appellants were represented by Donald Jelnick, Esq. Mr. Jelnick was supported by the testimony of Janice Barker, Terry Maden, Chung Lee, Anna Landa and Gerald Johnson. Ms. Nancy Gin and Deputy City Attorney Rick Judd represented the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Zoning Administrator's Order to Cease Violation of the Planning Code.

APPEAL NO. 86-158

PROMETHEUS DEVELOPMENT COMPANY, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial of Project Authorization by the City Planning Commission on May 29, 1986, of a mixed use office retail building at 299 Second Street.

Director Feldman polled the Board regarding their reading of the EIR pertaining to this case. Commissioners Berg, Fung, Engmann and Medina advised that they had read the EIR. Deputy City Attorny Paula Jesson explained the procedures supporting the validity of the City Planning Commission's ruling in regard to the matter before the Board. Robert W. Passmore represented the Department of City Planning. Attorneys Sue Hestor and Harry O'Brien spoke in support of the Department's action. The project developer was represented by attorney James Whelan and architect Jeffrey Heller. David Mercer and Boe Carter of the City's YMCA spoke in support of the permit holder. Upon motion of Commissioner Engmann, the Board voted 3-1 (Fung dissenting) to uphold the department and deny the permit. Findings of fact to be adopted January 7, 1986.

APPEALS NO. 86-305 AND NO. 86-306 HAVING SUBJECT MATTER COMMON TO BOTH WERE HEARD TOGETHER

APPEAL NO. 86-305

TERMINAL PLAZA CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 20, 1986, to Five Fremont Center Associates, permit to alter a building at 50 Fremont Street.

APPEAL NO. 86-306

SAN FRANCISCANS FOR REASONABLE GROWTH, vs. DEPT. PUBLIC WORKS, Respondent.
CITY PLANNING APPROVAL

Protesting issuance on October 20, 1986, to Five Fremont Associates, permit to Alter a Building at 50 Fremont Street.

Michael Burke, Esq., spoke for the Terminal Plaza Corporation and Sue C. Hestor, Esq., represented San Franciscans for Reasonable Growth. Attorney Robert Herr appeared for Five Fremont Center Associates. Robert W. Passmore spoke for the Department of City Planning. Upon motion of President Berg, the Board voted 3-1 (Engmann dissenting) to u½hold the Departmes and grant the permit. Findings of Fact adopted by the Board.

Their being no furhter business to come before the Board, President Berg adjourned the meeting at 9:04 p.m.

DECEMBER 17, 1986

Jerry E. Berg

Jerry E. Berg, President

Robert H. Feldman

Robert H. Feldman, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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